1: Obermeyer E-5 (1964-1965) 1969 MT9 Libyan Bedouin MT9
'Aishaibat

[concluding, i]

VITA PAGE

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121 However, the political climate of Egypt at the time of my research made such a study impracticable. In reorienting my research, I decided to confine my study to al-Qasr and an analysis of "micropolitics" at the local community level.

The aim of the present study is, then, an understanding of the political structure of al-Qasr. Also, since no group exists in isolation and relations with others are mainly a matter of politics, I have tried to present here the structural and ideological bases of politics in al-Qasr. This study is concerned with politics in the traditional sense and in the modern sense. An analysis of the traditional meaning of politics necessitates a discussion and understanding of the structural principles of Bedouin society and the manner in which they function in defining the rights and obligations contained in social relationships. Such an analysis also seeks to establish a base level from which we can perceive and understand the political process in al-Qasr and the modern context of Bedouin politics. The main focus of the political analysis in this study is upon authority and leadership roles, as they were in the past and as they are in the present.

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• 114
*613 I should hasten to make one thing clear at this time, for it directly affected the way I went about my research and the type of data which I collected. In al-Qasr, there exists communication boundaries, and even barriers, corresponding to the structural and territorial lines of the lineage system.

[178] The 'Aishaibat tribe of al-Qasr, once a nomadic tribe, is now

121 sedentary, but the semi-autonomous nature of the lineage segments
•114 is maintained to a large extent. The result of this is a de-
*613 emphasis of the "we-feeling" among the population of al-Qasr
[178] and an absence of "sense of community" (Easton 1965:332). By
[186] "community," I refer to a pattern of relatively intensive,
[571] face-to-face social relationships, and the values of solidarity
and common goals to which these give rise. The relationship
121 between lineage structure and territoriality was such that
*613 kinship segments within the same lineage unit might go days,
571 and even weeks, with no inter-communication, and the degree
of communication between separate lineage units of the tribe
was less intensive than this. Such a communication pattern
made observation difficult. The fact that Bedouin tribal
society relatively lacks the group ceremonial aspect compounded
the difficulty of gaining an overall perspective of structural
relations, and of witnessing the bases and nature of social
interaction outside the lineage structure. All of this
emerges from a communication structure and kinship structure
differentiated into corporate groups which "discourage close
participation of members in the social relations of the larger
society" (Wolf 1957:7).

121 The structural arrangement of al-Qasr was such that,
in plain language, not a great deal was happening in the
sociological sense. I say this about al-Qasr in comparison
[123] with, for instance, a full-blown village community. Conse-
quently, I observed from day to day that which I could,

175 with one move, the Caliph sent these Bedouins into battle in order to enforce authority in his western Berber provinces. This order set in motion the great "Hilali invasion." The tribesmen of Banu Hilal and Banu Sulaim literally slashed their way across eastern North Africa laying waste to towns and fields as they went (Ibn Khaldun 1925:29; Brockelmann 1939: 204).

175 The Arab Bedouins recruited Berbers as they went,
648 especially in Libya. Between the years 1052 and 1054, these marauding nomads sacked the rich agricultural lands of Tripolitania and Tunisia, lands which had been in production since the time of the Romans (Mahdi 1964:21). The Banu Sulaim, according to Ibn Khaldun (1925:136), concentrated their action in an area from Alexandria to Tripolitania. It was over this region, which includes Cyrenaica in eastern Libya, that they established their rule. Ibn Khaldun states that the two tribes agreed to divide the conquered territory between them, the eastern lands going to the Banu Sulaim and the western lands to the Banu
175 Hilal (1925:33-34). Such a division of territorial rights in
571 Arab Bedouin society is representative of a set of authority
182 relationships. Differentiation in the locus of authority,
*[613] whether it be horizontal or hierarchical, is a method of maintaining political order among segments of the lineage structure.

175 Evans-Pritchard states that the Cyrenaican Bedouins
• 114 are descendants of the Banu Sulaim and represent an admixture
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175 between the Bedouin and the Berbers (1954:46-47). G. W.
114 Murray informs us that the Bedouins of the Egyptian Western
619 Desert themselves believe this to be the case (1935:33, 247).
I agree that the Cyrenaican Bedouin are the descendants of the Banu Sulaim; nevertheless, and despite what Murray says, my informants (when they knew) claimed to be descendants of the Banu Hilal. They refer to their ancestress, Sa'ada, as al-Hilaliyya, "she of the Banu Hilal."

175 Data concerning the Awlad 'Ali migratory history are
169 insufficient for a satisfactory reconstruction of the process. As we have noted, there were two invasions of North Africa by the Arabs. The first, about 643 A.D., was a shock wave from the Arab conquest of Egypt in which the Arabs defeated the Luwata Berbers who were living in eastern Libya. The second invasion, in the 11th century, took place at the hands of the Banu Hilal and Banu Sulaim and penetrated into the North African countryside. As a result, the Banu Salaim tribe settled in Cyrenaica where they intermingled with the Luwata
[103] Berbers. That part of Cyrenaica which they claimed as their territory they called the Jabal Akhdar (i.e. "Green Mountain"), a plateau region set back from the coast. The Bedouins of al-Qasr refer to the Jabal Akhdar as their original homeland (see Figure 1).

We hear nothing more of the Banu Salaim until the 17th century. At this time, segments of the tribe began drifting

175 then came the Awlad 'Ali.
619
726 Around the year 1800, the Awlad 'Ali were able to
167 defeat the Hanadi with the help of another Cyrenaican tribe dwelling in the area, the Jumi'at. The Jumi'at were a vassal tribe who changed their allegiance from the Hanadi to the Awlad 'Ali after this war. The Hanadi, as the Banu'Una before them, were forced into the Nile Valley. Today, they
[131] live in Sharqiyya Province and are no longer distinguishable from the peasant population.

175 According to Evans-Pritchard, the Awlad 'Ali were still
619 in possession of eastern Cyrenaica in 1800. Then there occurred
726 "long and savagely fought" wars ending with the expulsion of
•114 the Awlad 'Ali. But this time schedule seems unlikely since the Awlad 'Ali were already at war with the Hanadi when
175 Napoleon landed near Alexandria in 1798. The Bedouin war has
648 been amusingly described by the French historian Lacroix (in
181 Murray 1935:30) who accompanied the Napoleonic expedition:

> At five o'clock, the first Bedouin were seen on the flank of the army, and shortly afterwards one saw four or five hundred; it was the tribe of Henady, the fiercest Arabs of these deserts. They were almost naked, swarthy, and lean; their horses seemed wornout hacks; save for the helmet, it was Don Quixote as represented in the engravings ...if these five hundred Arabs had been Mamelukes, they would have been able to obtain a great success at this first moment, when the soldiers' imaginations were alert and ready to receive any impression, but these Arabs were as cowardly as the Mamelukes, who had charged an hour before, were brave.

648 tions and innovations in agriculture which the Egyptians bring
177 to the desert. On the other hand, the Bedouins do not get
241 the modern materials which they need to increase the production of their land. This is most serious when it comes to heavy farm machinery, such as tractors, and the spare parts to keep it functioning. Furthermore, seldom did a man in al-Qasr receive the number of olive seedlings that he requested. This invariably led to bitterness between Bedouins and Egyptians.

648 Most of the Bedouins believe that the desert is a difficult
177 (wihsha) life, and they favor change. They want to know, for instance, why an American would leave home to live such a life.

• [114] At a Governor's Council meeting which I attended, the Bedouin representative from al-Qasr did not protest government interference. He complained that the Governor was not furnishing the materials and facilities which the Bedouin needed if he was to become "modern" and "educated." The Bedouins' major complaint about the Egyptians is not that they are trying to change the desert, but that they are not changing it fast enough!

directly on the Mediterranean coast. The 'izba sector is just 14 kilometers due west of Marsa Matruh, and about 300 kilometers due west of the coastal city of Alexandria.

In 1960, the population of the whole Western Desert was 98,000, the majority being of Bedouin stock. Considering that Egypt is a country with a 2 - 1/2 per cent rise in birth rate per year, the desert population would have been about 127,000 in 1965 when I was in the field. The town of Marsa Matruh, which is the capital of the Province of Matruh (formerly the Western Desert Province) has a population of about 7,000. With increasing economic and political concern for the desert provinces and the oases, this number should continue to rise.

Mintaqit al-Qasr (see Figure 4)[1] is an area which measures about six kilometers from east to west along the sea, and about ten to fifteen kilometers on a north-south line extending into the desert as far as the Libyan plateau. The population of al-Qasr is less easy to determine. In 1960, al-Qasr, by official count, consisted of 225 families, 595 males and 749 females, or a total of 1344 souls. Al-Qasr, as the Bedouins define it, includes the garya and six other demographic sections separately defined by the Egyptian government. The population of this al-Qasr is 2,996, 1,287 males and 1,709 females. There is reason to doubt any census figures of the al-Qasr area because the Bedouins are reluctant to reveal their

1. [See p. 67--Analyst]

true numbers. As recipients of aid programs, their rations are based upon the number of members per family. For these purposes, they are anxious to present as high a population figure as possible. They exaggerate their livestock count in order to receive more fodder, and, at other times, underestimate their numbers to escape taxes.

For purposes of this study, the Bedouin population of al-Qasr is about 1,500 to 3,000. Most of this population lives on the coastal area and in the cultivable wadi areas. The remainder is scattered south of the plateau region, near the desert proper. The 'izba sector of al-Qasr may be described as a nucleated cluster or settlement, but due to the nature of the Bedouin segmentary lineage system, with its relatively autonomous kin-based residence groups, this sector lacks the usual degree of social interaction and integration associated with the village or hamlet. The 'izba might be described as a multi-nucleated settlement or cluster. Each lineage has its own mintaqa. Each mintaqa usually has a small dry-goods store owned and operated by a lineage member and catering chiefly to his own lineage-mates. Water and land in the 'izba sector are individually owned. In the barley-pasture area, rights and privileges of ownership are vested in the corporate group, even though the Bedouins and the government claim that tribally owned land is illegal. All land boundaries, whether a mintaqa or an individual's plot, are well-marked and well-known. The

173 that in those days it was important "to have men to go to
*613 war; Hajj 'Ali came from the Sinai with many men and wrote
619 his name into the books of Lazumi." Today, in the Lazumi
597 genealogy Hajj 'Ali's name appears as the brother of Taram,
• [114] both are claimed as sons of Mighawsiz. This kind of data is difficult to uncover and I may have missed gathering other cases of ideological kinship ties.

*613 The specific unilinear principle which operates in
[171] al-Qasr is partrilineality, common to the Middle Eastern culture area. A corollary principle is the corporate group.
*613 Together, these two rules structure the social world of the
591 individual and effectively define a range of social choices for him. The individual's social relations and social roles are relative to the rights and obligations of the people related to him through his father. In a sense, the social world for the individual in al-Qasr is his father's group and its network of relationships with other similar groups; he would not think of leaving this group of his own free will though, in reality, he could. The Bedouins believe
[181] that a man cannot be happy if he lives with strangers, i.e.,
[829] outside his corporate group. This value holds up today to the extent that a man will expect his son to return to the desert even after his education as a merchant, a government clerk, or an army officer.

Structural differentiation in al-Qasr is not solely

619 the bureaucratic principle. Here we are concerned with the
179 traditional situation.
[121]

The 'Aishaibi Bedouins of al-Qasr are a residence
619 group. Each sub-group of the tribe, i.e., the secondary and
*613 tertiary units, is assigned their own territory (mintaqa).
571 Kinship and residence are the primary determinants of group differentiation; agnates who dwell together represent concrete authority structures, or political groups. This follows from the fact that patterns of political action, or what we call political structures, most often deal with the exercise of legitimate authority--as opposed to power. Power relations do occur and when present complicate the situation. In al-Qasr, power relations and structures emerge when the principle of cognation or contracted alliance form groups which crosscut the effectiveness of local, agnatic political structures. But, in al-Qasr, as in most societies, political action usually takes the form of the exercise of authority (Southall 1965:120).

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•114 The genealogical map as an idological charter argues
*613 against the formation of power relations. Genealogical re-
571 lations represent a set of social relations each replete with definite rights and obligations. Fallers (1956) has noted the tendency in segmentary lineage societies to cast all
*613 authority relations in a unilinear genealogical mould. The
829 Bedouin visualize their world, extending from Alexandria to
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study of the whole Western Desert, or in an analysis of contemporary politics in Marsa Matruh.

The Bedouins of al-Qasr are, in this study, the 'Aishaibat of the 'Ali Ahmar of the Awlad 'Ali tribe. The Bedouin tribal unit throughout the Middle East is described as a segmentary lineage system. Something of the meaning of this concept has already been made clear in our discussion of the structural principles of Bedouin society. This type of society has been adequately analyzed by Evans-Pritchard (1940), Fortes (1945 and 1949), Smith (1956), Middleton and Tait (1958), and Peters (1960). My own ideas about the segmentary lineage society as it functions in al-Qasr derive from these sources.

Politically, the 'Aishaibat of al-Qasr are a stateless society; they have no centralized political institution. The lineage system is the structural framework for social and political relations. The basis of government, i.e., the regulation of authority relations, is the balanced protraction of corporate groups which support institutional uniformities in the form of similar organization, ideology and procedure (Smith 1956). Although the various groupings of the segmentary system can be analytically identified, and each grouping thinks of itself as a distinct group, in actuality, it is difficult to define the groups because of the way in which each fuses into lesser or greater differentiated units in one

593 not considered bad for a man to beat his wife." In the case
593 of ill-treatment by the husband, her father may take the
*613 matter to the corporate head. Traditionally, the corporate
[792] head would order the husband to move his tent next to the
tend of the "holy man" or some other third party, so that
he would be dissuaded against such behavior. Another reason
[586] for this is so that the girl might have witnesses to support
her petition for divorce should the husband continue to beat
her. I heard of no wife-beating while I was in al-Qasr.

595 The Quran states that a man may lawfully take four
[779] wives, but that if he feels he cannot treat each of them
equally, he should take only one (Sura IV:3 and 129). The
Bedouins are conscientious in practicing this rule, though
595 perhaps not for religious reasons. If a man has more than
593 one wife, he must spend an equal amount of time with each.
Conflict between co-wives is lessened by the fact that a man
will have separate tents, or rooms in the case of a house,
for each wife. A man will not buy a dress or a piece of jewelry
for one wife without buying a copy of it for all other wives.
595 On a trip to the Siwa Oasis, I was accompanied by a man who
593 had three wives and wished to bring them a gift of basketry
•114 upon his return. He was successful in buying two baskets
which were similar but could not find a comparable third in
[431] the oasis market. In dismay, he made a gift of the baskets
to me and returned with no souvenirs at all. One of my in-

582 effect of cross-cousin marriage which is a way for kinship
171 groupings to interrelate and to increase the integration of a larger population.

582 Such an explanation of parallel-cousin marriage may
171 suffice for an analysis of politics in the tribal mountain
114 villages of Kurdistan. Because Barth (1954:68) found that 48.0 per cent of the Kurd marriages were with the father's brother's daughter, we must assume that this type of relationship is politically significant. But we must question the fact that Murphy and Kasdan arrive at the same conclusion when dealing with parallel-cousin marriage as an abstract concept. If this type of marriage is really politically rational behavior, then it should be the normative practice in the Middle East. In other words, Murphy and Kasdan are explaining a phenomenon which exists only as a cultural ideal, and one which may have never really been a general practice at all--except in those few cases of adaptation to ecological extremes, such as pure nomadism and mountain tribalism. The few records which we have on the marriage practices of pre-Islamic and early Islamic Arabia indicate that parallel-cousin marriage was highly atypical in the Mecca and Hijaz areas. For instance, of the 71 marriages recorded for the Quraish only 9 were with father's brother's daughter and 32 of them were within the secondary group. In the Hijaz, only 15 of 113 marriages, or 3.3 per cent, were with the parallel-cousin (Patai 1962: Ch.6).

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171 (Patai 1962:Ch. 6).

The point of this is that most of the Middle East's inhabitants are villagers dependent upon agriculture. The dominant form of marriage is not parallel-cousin marriage. As a matter of fact, marriage may or may not be considered exogamous depending upon the level of segmentation at which one wishes to draw the line for his definition of endogamy. Ayoub (1959) suggests that parallel-cousin marriage be considered only as an extreme expression of an overall preference for endogamy. She found in a sample of 514 marriages from a Syrian village that 9.1 per cent of them were with the parallel-cousin while 63.4 per cent were within the secondary group. She concludes from this that intra-lineage marriage is frequent enough that it cannot be accounted for by random mate selection.

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162 In 'Ailit Ma'fas of al-Qasr, out of 197 recorded
*[613] marriages over a period of five generations the frequency of parallel-cousin marriage was 11.1 per cent and marriage within the lineage was 41.6 per cent of the total. Of these 197
[595] marriages, only 39 were cases of polygny and most of these involved a man taking two wives (see Table 5 below).

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•114 The confusion over the presence or absence of parallel-
196 cousin marriage in the Middle East is related to the question of whether or not the researcher and the native are talking about the same thing. In Qasr, for instance, the term

[TEXT CONTINUED ON PAGE 116]

582 "parallel cousin" (i.e. bint 'amm) is perfectly interchangeable
•114 with the term "parallel-cousin once removed" (i.e. bint ibn
196 'amm, "daughter of the father's brother's son"). After I
[124] had familiarized myself with the genealogies of al-Qasr, I began to realize that many of my informants were using the term bint 'amm to refer to the parallel-cousin once, twice, or even thrice removed. When I pointed this out to one of the Bedouins, he replied: "So what, there is nothing forbidden about this type of marriage." Table 5 shows that this is
582 indeed the case. There are a number of cultural ideals
183 which influence the practice of marriage in al-Qasr: endo-
182 gamy is encouraged because it cements and intensifies corporate ties; exogamy is desired because it widens the web of kinship; men prefer younger women to older women and may utilize their cousin-right privilege to realize this preference.

582 The Bedouins of al-Qasr define the bint 'amm over a
829 wide range. One informant said that "all of the girls of the Awlad 'Ali tribe are my bint 'amm, we are all one." Another said to me, that "any girl of the 'Ali Ahmar is a man's bint 'amm." And yet another informed me that "a man of the Qinaishat tribe will reserve his daughter for me before he will give her to an outsider." Ideologically, a bint 'amm seemed to be anything except the father's brother's daughter. This is quite convenient for the Bedouins because an ideological concept can be placed anywhere along the scale of actuality

kin groups of the parent who does not determine descent. A corollary aspect of the filiation principle in al-Qasr is the practice of collaterally extending the term, khal, to include many others besides the real mother's brother. This usage of classificatory terminology, like that in the case of bint 'amm, leads to confusion for the fieldworker. When an individual marries into an outside group, or even within the secondary group, the wife's brother becomes khal not only to the offspring of the marriage, but to all the children (awlad) at the same generation level as the offspring. All boys of the age of sister's son will refer to his mother's brother as khali ("my mother's brother"). Besides extending the web of kinship, this practice also has the function of uniting age-mates of the local descent group.

Throughout this discussion of mother's brother, I have been stressing the fact that the sentiment which a Bedouin develops toward this person is to be construed as a political value, i.e., a behavioral disposition relevant to the political process. It is patent then that the sister's son-mother's brother relationship should be more crucial in exogamous marriages, for in these cases cognation becomes the principal mechanism for establishing authority relations and effecting political alliance. In endogamous marriages, cognation complements the other structural principles which define the corporate group, and makes it the corporate group par excellence.

121 content will be obeyed by a given group of persons" (Weber 1947:152). In the next chapter, it will be useful to distinguish between the concept of authority and that of "power." Mainly, we are concerned here with the legitimate exercise of authority in the regulation of conflict involving members of an "imperatively coordinatedgroup" (1947:153), or corporation, at both the internal and external levels of the Bedouin political system.

121 • 114 * 613 571 It has already been stated in the last chapter that political action occurs at all levels of the social structure; it is not peculiar to the external relational system. The tendency to differentiate structurally between "domestic relations" and "political relations" began with Evans-Pritchard (1940:148) who analyzed the Nuer political system as "an expanding series of opposed segments from the relations within the smallest tribal section to intertribal and foreign relations." This definition could serve as a description of the political system of the Bedouins of al-Qasr, or of any other segmentary society. Fortes (1949; 1953:26) first used the terms "domestic relations" and "political relations." He arbitrarily limited political action to the lineage structure, and assigned "person-to-person relations" to the sphere of kinship or domestic organization. Southall (1953), who applied the ideas of Max Weber, isolated what he referred to as two different types of authority: the "familial" and

121 the "political." Previous studies, then, indicate that a
•114 conceptualization of a division between spheres or foci of
*613 authority relations is fundamental to an understanding of the
571 political aspect of segmentary societies. There is no need, however, to relegate the political to any particular social area if "we generally mean by 'political,' things that have to do with relations of authority . . ." (Weber 1947:155). Conflict, and the need for it to be regulated, occur at all levels of the lineage system, from the family to the tribal level. Authority must be exercised if the system is to persist. The legitimate exercise of authority in al-Qasr is [554] expressed through two structures: an authority role and authority groups, the 'aqila and the tertiary segments, the corporate sole and corporate groups.

121 The analysis which follows considers society as a
554 composite of authority groups and authority roles. Roles are the basic elements of social structures which "order the human beings who make up the society" (Nadel 1957:11). The authority role is a focus for the study of politics at all levels of the social structure, and, also, the basis for extending role analysis. For the most part, political action in al-Qasr, from the family to the tribal levels, takes the form of the exercise of legitimate authority. Power, as illegitimate control, exists in the form of extra-processual authority roles which we will discuss in the next chapter.

*613 675 571 539

6. every member of the tribe who submits a complaint without first consulting his 'aqila, (i.e. who goes to the government before the 'aqila),

7. every member of the tribe shall back the members of his bait against an opponent without right,

8. every member of the tribe who has proved against him the showing of sympathy toward another tribe knowing that this tribe is antagonistic to his own tribe,

9. every member of the tribe who has proved against him that he helped a relative in payment or in a quarrel against his brother.

we signed this document and declare that these customs are valid from the date of today and everyone who disobeys them pays a dhabiiha ("lamb") and 10 L.E. without any objection if any of the items of the above items is proven against him.

Date: August 8, 1953
The 'awaaqil (signatures or stamps):
Abd al-Ruwaf (Bait Firjani)
Hussain 'Umar (Bait 'Umar)
Shi'ath Abd al-Hadi (deceased, Bait Braik)
'Atiya 'Umran (Bait Kailani)
Khalid Idris (Bait Muhammad)

•114 619 675 *613 In the rawaabit, or contract, just noted the term "tribe" refers to the secondary segment ('aiela). Murray (1935:315n) has also pointed to an instance of the Bedouins' use, in a formal document, of the word qabiila ("tribe") when reference to "some smaller division, such as 'eila is clearly meant."

675 681 [183] *613 Through the rawaabit norms are expressed and action is oriented with respect to them. If it is otherwise, sanctions may be brought to bear to insure conformity to norms. The minimal sanction which the 'aqila may impose is the dhabiiha

671 They said that if a man
562 insisted on keeping a promiscuous wife, his family would
684 "write a barawwa aginst him." I heard of no sex offenses in
681 al-Qasr while I was there.
•[114]

671 The penalty for stealing, according to the 'awaiyid,
685 is that the thief shall pay compensation, by himself, in the amount of four times the value of the stolen object. On the
*[613] other hand, if the thief is a poor man, he will pay thrice the value of the stolen object and the remaining fourth will be paid by his lineage.

671 The 'awaiyid recognizes the territorial claims of the
685 lineage. Disputes arising over conflicting claims to land
*613 and wells are handled at Bedouin courts in much the same way
578 as personal injury cases are, with one exception. Usually, a
[554] larger number of elders and rajal khair will be consulted in an advisory capacity by the 'awaaqil handling the case. The 'awaaqil consider the specific history of a particular piece of land or well (for instance, each well is known by its own name), and determine the ownership in accordance with the testimony of elders and individuals of high social status. Most of the problems over land and water rights in al-Qasr have reference to what is still considered lineage-owned
685 territory in the barley-and-pasture sector. In the 'izba
578 sector, conflict over land ownership rights, since they are
648 rights which are registered with the government, is settled in the Egyptian court of law. Only one such case came up while

According to this 'aqila, the "good man" is the "good Muslim" who observes the pillars of Islam (fasting, praying, making the pilgrimage, and alms-giving). Also, the "good man" does not steal or lie, and this leads, importantly enough, to social accord.

In light of the preceding discussion of authority and law, we can now offer a description of the Bedouin judicial process in action. Southall (1956:121-151) has drawn the distinction between internal and external delicts on the bases of kinds of sanctions rendered, and whether or not chiefly authority mediates conflict. Such a distinction can be only partially applied in the case of the Bedouins of the Western Desert. The kind of sanctions operating in the internal political system do differ from those applied in the external political system, though not to the same degree which is true of Southall's Alurland. On the other hand, since Bedouin society, lacking political centralization, cannot be characterized as a segmentary state with distinct spheres of authority at successive levels of the lineage structure, the intervention or non-intervention of chiefly adjudication and decision-making cannot serve as a basis for differentiating political action. Rather, the lone political office of the 'aqila involves itself in all arbitration which cannot be successfully concluded by the mechanism of familial authority. There are just two exceptions which apply to this latter statement:

121 external system, however, the law recognizes retaliation, a
681 life for a life. Still, even in this case, Bedouin values
682 expressed through the 'awaiyid try to avert bloodshed and
[182] feuding by showing "the good path" and providing the means
[671] for settlement through compensation.

681 Just as the Bedouin accepts the 'awaiyid as a set of
682 of ideals calculated to regulate conflict, he paradoxically
182 claims the right to impose retaliatory sanctions as a just
[671] conclusion to conflict. One Bedouin said that the greatest
[673] sin which a man or group can commit is to accept the diiya
and then take his blood-revenge and return the money. Presumably, a person or group commits no outrage if they refuse the diiya with the understanding that blood-revenge will be
[626] taken. In al-Qasr, retaliation and the 'awaiyid are mechanisms
[671] of social control and dispute settlement. A political office
* [613] exists, i.e. the 'aqila which functions over the total range
[692] of political action, and the process of adjudication and
compensation in the form of indemnity payment represents an institutionalized alternative to retaliation. In all cases of dispute, ritual or religious sanctions back up social
[776] sanctions. God is a third party to all conflict, and this is
[695] made manifest in the reading of the Fatiha or the oath-taking
128 ceremony. In order to describe how authority and sanctions
68 operate in Bedouin society, a number of examples are presented
[124] below. Some of the cases are the statements of informants about
• [114]

what happened; some of them are my translations of legal documents which informants permitted me to see; a few of the cases happened while I was in the field and represent my reporting of what happened. I have arbitrarily divided the cases into those involving personal injury and those concerning property rights. In each case, I indicate at which level of the authority structure the conflict and settlement has taken place.

Legal Cases Pertaining to Personal Injury

Two cases of killing have been discussed previously. Below are a number of cases dealing with personal injury which occurred in the external political system at the various levels of segmentation. The first three cases involve conflict between secondary lineage segments of the 'Aishaibat tribe; the next two cases take place at the primary and sub-tribal levels, but note that secondary segments are the actual functioning units involved; the final case, an unusual one, deals with conflict with "foreigners" at the tribal level. Note that the 'aqila as a corporate representative is active in these cases. The third case presented below is a translation of an actual document showing how the nazaala (discussed above) functions as a formal mechanism of conflict regulation.

•114 792 562 The second, rather complex, case occurred while I was in the field. Once again, the role of the "holy man" is shown to operate in cases dealing with women. Shown here also is an interesting example of the cultural definition of abnormality.

*613 578 582 792 No Date. Case: Quarrel between 'Ailit al-Abaidi ('Ali Abyad) and 'Ailit al-Afrad ('Ali Abyad) over marriage rights. A man from al-Abaidi agreed that his daughter could marry a man but the rest of the 'aiela did not approve of this marriage. Since the man could not go to his 'aqila, who disapproved of the marriage, he took his problem to a "holy man." The "holy man" decided that the girl should marry the man she wanted to marry, but he was afraid that this would cause trouble in the 'aiela. The "holy man" decided to marry the man and woman, [586] and then to divorce them for a period of one year so that the conflict would abate. The girl's father knew of this marriage but the other members of the 'aiela did not. After a period of one year, the groom went to the "holy man" and said: 'Decide anything that I can do, but I must have the girl." The "holy [681] man" decided to make him pay a kubaara (expiation) fee of [684] 100 L.E. to the girl's 'aiela, and he married them again.

*613 619 578 582 Date: 1965. Case: Quarrel within a tertiary segment of the Qinaishat tribe concerning marriage rights. A girl from the Qinaishat tribe had refused to marry her paternal cousin, but he was insistent upon his right to have her.

554 571 [579] [585] [796] [124] [431] It would be considered "wrong" for the members of this group to present themselves at an al-Qasr wedding party, or the annual celebration held in honor of a local saint of the area. When I inquired about the conspicuous absence of some of my chief informants from such gatherings, I was told that "they will send their gifts," or that "it is not decent that they come to something such as this." In terms of

554 571 182 561 [593] Bedouin social structure, there are a number of plausible explanations for this "status separation." Fathers should not attend public affairs at which their sons may be "performing," i.e., young men should be allowed to play a public role outside the confines of the father-son authority structure. By virtue of the extension of the father role, and its corresponding authoritarian attitude, every member of the elder age-set commands certain rights and obligations which would prevent the free expression that is the hallmark of Bedouin parties. Conversely, and at the more general level, members of the "status group" who wish to remain members of this circle accept certain restrictions on social intercourse. [114] At the five different Bedouin "parties" which I attended, there were "elders" present, but none of them could be classified as members of the "status group." Bedouins plainly state that elders should not attend parties, but, on the other hand, they show much more concern and emotion when they say that a member of the "status group" should not "be

554 571 556 tional symbol of wealth. A comparison of wealth between the "status group" and "other members" of al-Qasr, and the picture of stratification which emerges, are shown on Table 6.

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TABLE 6

COMPARATIVE DATA ON SOCIO-ECONOMIC STRATIFICATION IN AL-QASR[1]

Average Per Person	Status Group	Others
OLIVE - trees	661	86
SHEEP - head	402	30
LAND - acres	91	5

554 571 627 *613 One most important way of accruing "status honor" in al-Qasr is by acting the part of the third party in conflict situations. The role of the third party represents an effective and acceptable way of bypassing formal litigation through the [778] office of 'aqila. For instance, by mediating through the process of nazaala, the third party prevents feuds.

•[114] [128] [1]This data is both approximate and partial. Some data are excellent and completely reliable, others are not so dependable. Factors which could conceivably change the picture here presented would be a count of land and animals outside al-Qasr which would be extremely difficult to obtain. Also, some land is not in the name of the owner but in the names of relatives. Of all the data, land data is the most unreliable. Nevertheless, the addition of new data, I feel, would only serve to substantiate the picture of socio-economic stratification shown here.

554 his role.
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The people of al-Qasr identify 'Amm Salih as the "holy man" in the area. In my interviews, when I asked for the name of a party, besides the 'aqila, who solves the Bedouins' problems, the answer was either Hajj 'Ali, the rajal khair, or "the Jaraira family." (This refers to 'Amm Salih and his brother.) When I asked for the name of a man who could tell me "how the Bedouin should act," the only name mentioned was that of 'Amm Salih.

554 792 627 'Amm Salih says that he solves many problems, not all of which deal with marriage and divorce. He claimed that he could settle conflicts over land and water. Just as a man may choose to go to the rajal khair, so also might he go to the rajal salih. Often enough, the selection of a "third party" will be determined by his propinquity. One 'aqila told me: "Salih Jaraira is a good man . . . If two men wish to accept Jaraira's decision, and if he lives near them, it is all right. If Jaraira cannot solve the problem, then they will return to the 'aqila. The 'aqila can solve it or he can call in other 'awaqil who can solve it."

When I asked 'Amm Salih for case studies of problems which he has handled, he said that he would not reveal them because they are private affairs. He was willing, however, to describe the method in which he solves a problem.

554 792 627 [579]

> Lying is bad (haram), but this is "the lie of a peace-maker" (kadhib musaalih). For instance, if you have a quarrel with Yunis here, then I have words with both of you. I use different words with each of you. I use different words than those which you used in the quarrel--I use good words. This is to bring you two together again. Maybe I see that you are going to kill, or I hear bad words from you; I do not go and tell him what you said.

'Amm Salih said that it is his "duty" to mediate disputes, and that he never hesitates "because God will reward me later." He did not want the quarrels to grow into wars. He also bases his pleas for conciliation upon moral discoure, the method used by the other traditional authorities.[3] 'Amm Salih said that in trying to solve a problem, "I give priority to the elder. I go to the younger man and tell him that he should make peace with the elder because no one cares more for him than his antagonist, and that he really cares more for his antagonist than for any other." The rajal saalih mediates but does not arbitrate: he attempts to redress the balance of good relations but does not impose judgements.

554 792 627 *613 [MA]

This approach to conflict regulation is not that of the 'aqila in his formal role, but it is similar to what the rajal khair would use. The main procedural difference between the two informal roles (i.e. rajal khair and rajal saalih) is that, in each case, the rajal saalih reads the Fatiha with

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[3] The approach which I used in my interviews with 'Amm Salih derives from the work of John Ladd as presented in his book, The Structure of a Moral Code, 1957.

634 no coincidence, then, that the present 'umda and shaikh are
*613 the sons of the former 'umda and shaikh. This reveals not
666 only the structural rules of succession, but also indicates
428 [578] that "social honor," and thus power, still resides with these families.

It is important to note that since the time of their
[178] inception, these roles have not changed 'aiela or even bait in al-Qasr. When the former 'umda from 'Ailit Lazumi died,
634 his eldest son petitioned to the 'awaaqil of the 'Aishaibat
*613 that he be approved to succeed to his father's position.
666 The 'awaaqil met and made their decision. One 'aqila who
428 was present at the election said: "The office of 'umda should
571 stay in the Lazumi family since the father was 'umda. The 'awaaqil agreed on the son. But the son will be accepted to follow his father only if he is good. If he is not good, the 'awaaqil will find a new bait." Although the Bedouins speak of "the 'awaaqil" electing the 'umda, it must be remembered that it is the "status group" which makes the decision, and that the 'awaaqil are only part of this group. The names of
[629] the men who elected the present 'umda include less 'awaaqil and more rajal khair.

*114 Before I arrived in the field, the present acting
634 'umda of the 'Aishaibat tribe was elected to the national
666 parliament to represent the province of Marsa Matruh. The election of his replacement was not scheduled to take place

•114 until sometime after my departure from the field.[5] Never-
634 theless, before I left the field I discussed the pending
666 election with some of my informants and members of the
114 "status group." The interviews reveal that the "status
634 group" still intends to dominate the area of power relations
666 with the government. As one informant said: "The present
124 'umda and the one before him were from Bait Bu Taram of
829 'Ailit Lazumi, and the next one will be from Bu Taram also."
*[613]

634 The tenacity of traditional politics and the influence
571 of the "status group" are reflected in the affairs surrounding
666 the election of a new incumbent to the office of 'umda. In
this situation, all Bedouins become concerned more with the
distribution of power than with the actual person who will
124 fill the authority role. One informant, an 'aqila, gave
*613 indication that formal authorities support the "status group"
634 and the distribution of power which they represent and maintain.
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> Mustafa, the brother of the 'umda, takes his place while he is in Cairo attending Parliament. The 'umda told me that he was going to ask the 'awaaqil to sacrifice (i.e. slaughter a lamb) and write a paper making Mustafa the new 'umda. (Here I told the informant that I had spoken with Mustafa about this, and he told me that he did not want to be the 'umda).
> Even if Mustafa does not want to be the 'umda, the 'awaaqil will force him to accept . . . It should remain in the same family, it would be a shame if the office went to another family. Mustafa's father and brother were 'umdas before him. If the office left the family,

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[5] Technically, the 'Aishaibat were without an 'umda while I was in the field. However, he spent enough time in Matruh that he was able to carry on his duties until his successor could be named.

156 with four wives. It is not hard to understand why the people
159 of al-Qasr consider Hajj 'Ali a rajal khair par excellence.
554 For instance, when I asked one man it he could give me some
627 examples of court cases, he replied: "The one who is not an
124 'aqila pays no attention to anything save getting food for his children. The rajal khair has money and men (a reference to the "old days" when a person needed cohorts for battle), and so he always pays instead of us. He lends us money and helps us in doing anything, like Hajj 'Ali does." In another
124 interview, one man showed great respect for Hajj 'Ali's tradi-
156 tional status and modern ability to deal with the outside
159 world by giving him the honorific title of "shaikh," and
554 showing that the Bedouins of al-Qasr put their trust in him:
439 "When the olive merchants come from Alexandria, they go to
412 Shaikh 'Ali, someone who knows about olives. They ask him
245 what kind of olives al-Qasr has. He shows the merchants, and they say: 'I will give you so much for them.' They make an agreement, and Hajj 'Ali collects the olives and gets the price for them."

156 In terms of local politics, I would guess, but do
159 not have data to prove, that Hajj 'Ali was the third party
554 most frequently referred to in seeking a termination of
[627] conflict. He was commonly asked to participate in these
[114] matters not only by the disputants themselves but also by the 'aqila or other third party presiding. He was sometimes

635 [648] population of the whole Western Desert, and representatives of the Egyptian government employees working in the province. [634] The Bedouin representatives appointed to this council need not be an 'umda or a shaikh, although they may be. The oldest Bedouin member of the council, who happens to be an 'umda, told me that "the Governor picks the men who he feels understand the problems of the people."

635 124 *613 The Governor himself thinks that every Bedouin on his council is an 'aqila. He replied to my question about the criteria for membership on the Majlis al-Muhafza: "I am using a new selection system. Rather than choose the 'umda or shaikh, I choose the 'aqila. Every man on the council is an 'aqila, and the number is determined by the population of the area . . . But I appoint more men from the [619] 'Ali Ahmar (see Figures 3 and 7)[1] than from other tribes. This is because they are more numerous, and they are near Matruh where I am able to contact them immediately. The 'Ali Ahmar are represented by six men and the other tribes by just three men."

156 159 554 635 648 •[114] Hajj 'Ali is one of these six men and the only member of the Council who resides in al-Qasr. I attended and observed the December meeting of the Council. The Governor sat at the head of a long table with the Egyptian representatives on either side of him. At the other end of the table sat the Bedouin representatives, Hajj 'Ali among them. Purely

1. [See pp. 65 & 77 respectively--Analyst]

2: Mohsen E.O-5 (1958-1966) 1971 MT9 Libyan Bedouin MT9
Awlad Ali

Chapter I

THEORETICAL BACKGROUND

The Comparative Studies of Law

This study is based on field work carried out among Awlad Ali, of the Western Desert of Egypt, between August 1965 and August 1966. The study deals with the processes by which order is maintained within a tribal society with no centralized authority. One way that order is maintained is through the application of a set of formal rules known to the people of the area as "the daraieb" or the tribal ways. These rules are kept in force by an elaborate, yet informal, judicial process in which the tribal political leaders play the most important part.

The main focus of the study is not the rules themselves but rather the ways in which they are implemented, or the judicial process. More specifically, the study deals with the ways in which the process of dispute settlement is related to certain realities of the social and political life of the group.

Concern with the legal systems of non-literate societies has been an interest of anthropologists since the classical monographs of the nineteenth century (Maine 1861, 1871; and Fustel de Coulanges 1864), directed the attention of anthropologists to the laws of ancient civilizations. Those monographs were followed at a later date by the work of anthropologists such as Malinowski (1926), Hogbin (1934), and Schapera (1938). In more recent years most anthropological work on legal systems has been done in Africa. Most notable among these are Gluckman's treatise on the Barotse of Northern Rhodesia (1955, 1963), Bohannan's account of the Tiv of Nigeria (1957), and Howell on the Nuer Law (1954). Other studies of primitive law

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in other parts of the world include Llewellyn and Hoebel on the Cheyenne (1941), Pospisil's analysis of the Kapauku Papuan la (Pospisil 1958), Smith and Roberts' description of the Zuni law (1954) and Laura Nader's work on Zapotec law.

Despite this interest in the comparative study of legal institution among anthropologists, yet the fields of legal anthropology still lacks a coherent body of theory to bear upon the analysis of the institutions described. The theoretical questions represented in most of these writings seem to center around two main problems: the problem of definition, and that of methodology. With regard to the problem of definitions the various writers seem to be influenced by one or the other of two main schools of jurisprudence: the analytical school and the sociological school. The analytical school flourished in the late nineteenth century following the writings of its leader, John Austin, the British jurist. According to the analytical school law is a set of rules imposed upon society by a sovereign will. The picture is that of a supreme authority standing high above society and issuing its command downwards. This supreme authority is the creator and the ultimate source of law. These views are exemplified in Austin's famous definition of law as "a rule laid down for the guidance of an intelligent being by an intelligent being having the power over him" (1885: 316-7). Since the will of that political superior has to be exact, the only way to express it, according to Austin, is by means of legislation. According to the views of this school, the existence of a supreme authority is a prerequisite to the existence of law. Any social rules of observances existing before or without the issuing authority are not considered law. This excludes from being law rules which were not enacted such as the British common law, as well as all forms of primitive customary law.

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Later, members of the analytical school shifted the emphasis of their definition of law from its enactment by a supreme authority to its enforcement by that authority. Salmond defined law by reference to a court. Law, according to him, is "the body of principles recognized and applied by the state in the administration of justice" (1946:41). Gray, another member, went even further to deny the name, law, to a statute until it has been used as a basis of decision by the court (1921:82). Similarly, Diamond, who has contributed to the study and appreciation of 'primitive' law, hardly goes beyond arguing that societies without courts have no laws (Diamond 1935).

The influence of the analytical school on the anthropological writings on law is reflected in two ways. In the first place, it led some writers to maintain that since primitive societies lacked a supreme authority in the Austinian sense, they had no rules that may be called 'legal' and that among these societies "custom is the King" (Seagel 1941:iii). In the second place, the concept of the court as stated by members of the analytical school seems to influence to a greater or lesser degree the definition of law by many anthropologists, a point which will be discussed later in the chapter.

The sociological school of jurisprudence came as a reaction against limitations inherent in the analytical school with its glorification of the supreme will. According to the views of this school, law develops within society of its own vitality. It is not an artificial creation of a supreme will but is spontaneous and independent of any formal authority. These views do not exclude the notion of enforcement of law by a supreme authority which becomes necessary as the society reaches a certain level of complexity, but unlike the analytical school, the supreme authority in the latter case is not the creator of law but a creation of it.

The movement was led by Von Saveigny, the French jurist who viewed law as a rule existing for the purpose of regulating the actions of the

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individual in the interest of the whole community (1937). He regarded law as one of the many factors of the morphology of society. Roscoe Pound continued that tradition in his famous article, "The Scope and Purpose of Sociological Jurisprudence" (1910-11), in which he viewed law as "one side of the process of social control...a task or great series of tasks of social engineering." The purpose of law, according to Pound, is to eliminate friction and waste in the satisfaction of the human needs (1910-11;591-619).

To turn from jurists to anthropologists, we find the list of those who subscribe to the sociological view quite extensive. To try to enumerate them would be a very lengthy endeavor. Malinowski states that law and order arise out of the very process which they govern. He sees laws as existing in all human societies and attributes the failure of the analytical jurists to perceive the existence of legal systems among primitive societies to the faulty habit of identifying the legal system with the person or organ possessing the power to make laws and enforce them. He defined law as a body of binding obligations, regarded as a right by one party and acknowledged as a duty by the other, kept in force by a special mechanism of reciprocity and publicity inherent in the structure of their society" (1926:58). Radcliffe-Brown (1933), Lewellyn and Hoebel (1941), Hoebel (1961), Bohannan (1957) and Gluckman (1955, 1965) to give examples, all view law as an aspect of the society independent of any sovereign in the Austinian sense. This does not mean that they all agree in their definition of law. For they exhibit a considerable difference in their views. The difference, however, does not stem from their view of the sociological rather than the formal nature of law, but in their attempt to separate law from other aspects of social life of the group.

The main difficulty with the sociological view of law is that it does not provide a reliable criteria by which one can differentiate between that

aspect of the social life that one may call law and other aspects. This does not pose any problem for those who use the concept of law in a very wide and general sense to man "the totality of people's culture" (Hartland 1924:191). But for later writers, who tend to take a more or less restricted view of law, the problem was there. Malinowski states that the rules of law in primitive society stand out from other social norms in that they are felt and regarded as "obligation of one party and the rightful claim of another." This, of course, gives law a very broad definition and does not really help in distinguishing law from non-law.

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One of the most commonly used criterion is that of a "sanction" behind the legal norms. But the mere fact that legal norms have sanctions behind them does not help in drawing the line between them and other norms since all norms are backed by sanctions of some kind or another. It is the kind of sanction, then, not just any sanction, that differentiates law from non-law. In other words, there are classes of sanctions that may be called "legal sanctions." For Malinowski, the loss of reciprocal relations in primitive society constituted the sufficient basis for the legal sanctions (1934). Allen (1958) maintained that legal sanctions are "completely compulsory." "No one is under an absolute compulsion to visit the barber or to wear garments " (1958:59), while, on the other hand, members of the society are under an absolute compulsion not to steal or take the life of another person. Like Malinowski's notion of the loss of reciprocal relations, Allen's concept of "absoluteness" as the basis of legal sanctions is not adequate. For even under the modern legal system, were the penalty for stealing or murder specific and clear, the individual is not under an "absolute" compulsion not to steal or kill. He still can, and the mere existence of the penal institution in modern societies is a living proof that many do violate the legal norms if they are willing to take the risk of such violation, the same risk the person takes who violates the norm

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of modesty and walks naked in the streets. Some may even find it easier to accept the risk of penalty for stealing than the social sanctions for violating the norms of modesty. 121 114 671 681

But although the notion of absolute vs. relative compulsion is arbitrary and artificial as a criterion for defining legal rules, yet Allen is close to another related and widespread criterion of legal sanctions, that is, the idea of the "use of force." Hoebel maintains that "the really fundamental sine qua non of law in any society - primitive or civilized - is the legitimate use of physical coercion.... The law has teeth, teeth that can bite if need be..." (1961a:26) Pound defines law as "social control through the systematic application of the forces of a politically organized society" (1910-11:591). This definition has later been adopted by Radcliffe-Brown (1940) who considers the obligations imposed upon the individual but for which there is no sanction backed by the use or the possibility of use of physical force as merely a matter of social conventions or custom but not law.

It is evident, then, that those who used the concept of "coercion" as the basis for their distinction of law needed a further specification of the concept. For, as Hoebel has noticed, "There are as many forms of coercion as there are forms of power...and only certain methods and forms are legal" (1961:26). He states that coercion by gangsters is not legal coercion; neither is the parents' physical coercion if it is extreme in form. The essential element in legal coercion according to Hoebel, is "the general social acceptance of the application of physical power, threat or, in fact, by a privileged party, for a legitimate cause, in a legitimate way, and at a legitimate time." The privilege of applying physical force constitutes, according to Hoebel, the official element in law. The person who is recognized as having the right to exercise force is the symbol of authority. This does not mean that he has to be an official or a holder 121 114 671 681 625

of any permanent office; it is any person who is exercising the legitimate use of force. Simple as the above argument might seem, it really offers very little in refining our conception of legal sanctions. For we are still left with the question of how a person acquires the right to exercise the physical force. What gives his action the legitimacy that is otherwise lacking in other forms of coercion? In trying to deal with this problem anthropologists resorted to a concept that is used by the analytical jurists, that is, the court. There is a basic difference, however, between the anthropologists' view of the court and that of the analytical jurists. The latter see the court as the ultimate source of law: court creates the law. Anthropologists, on the other hand, tend to use the court as the source of law but as a criterion of its existence. An example of such views is Max Radin who maintained that the infallible test "for recognizing whether an imagined course of conduct is lawful or unlawful... is to submit the question to the judgment of a court" (1938:1145).

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Anthropologists differed among themselves, however, on what constitutes a court. While Radcliffe-Brown (1940) insists that it must be a body of people acting on behalf of the community as a whole and therefore does not exist in all societies, Hoebel (1961), on the other hand, extends the concept to include the diffused public opinion or sentiment of the people in a given society as a kind of court that gives legitimation to the use of force by individuals or groups in the absence of a recognized body acting on behalf of the community. He sees a court in cases of self-help where the aggrieved party or his kinsmen carry on the procedures of redress without the intervention of a third party. He maintained that if the procedures are right, there will be "at least the compulsion of recognized 'legal' procedure, though the ultimate court may be the 'bar of public opinion'" (1961:25).

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The concept of the court has been prominent in the writings of several other anthropologists besides Radcliffe-Brown and Hoebel. Bohannan (1957, 1964, 1965), Redfield (1964) and Pospisil (1958) all imply the existence of a court of some kind or another as the identifying mark of the existence of legal rules. In his attempt to distinguish between law and custom, Gluckman thought of law to exist "as a series of acceptable judgments of rightdoing and wrongdoing in particular cases" (1955:262). Custom and other social observances function as corpus juris and as such a basis for the judgment of where the behavior of one of the litigants in a case is reasonable or unreasonable, lawful or unlawful. As such, custom is a source of law, but not law itself. It becomes law when drawn upon in passing judgment in a given case. In commenting on a passage on the Nuer by Evans-Pritchard, Gluckman made it clear what he meant by the court. "This passage shows that even in a society where 'self-help' is the enforcing sanction, people judge situations of dispute in terms of rights and duties, and wrongs....Therefore, it seems fair to say that among the Nuer, though they have no courts, there is a process of judgment by mediators and ordinary people in which custom and morality as part of the corpus juris constitute 'sources of law' for particular decisions" (1955a:263).

The importance of the above passage from Gluckman is his distinction between the concept of the court and the judicial process, a distinction lacking in the writing of most other anthropologists dealing with the study of law. Failure to distinguish the two aspects of the legal system resulted in confusing a basic societal process with one of the mechanisms through which the goals of that process achieved in certain societies. In its broadest sense, the judicial process refers to the ways disputes are settled within society. Since didsputes arise out of the very nature of social interaction, some form of dispute settlement is found in all societies.

The form which the process of dispute settlement takes differs from one society to another. In certain societies disputes are settled through a process of informal mediation undertaken by go-betweens; in others it is by means of self-help; still in others, it is by way of court. In societies with courts the process of dispute settlements is undertaken by judges who "take and assess the evidence, examine what they regard as the facts, and come to a decision in favor of one party rather than another" (Gluckman 1965:183).

Within a given society, disputes are settled in accordance with a set of principles that reflect the basic goals and values of that society. As long as the settlement of a particular dispute proceeds according to these principles, the settlement is supported by the public opinion of that society. This is true whether the process is carried on b y means of informal mediations or through a court system. It is this public opinion as the expression of the basic societal values and not the court as a special mechanism that gives legitimation to the judicial decisions. To equate opinion with the court as Hoebel (1961) did, or to look at the court as the ultimate source of legitimation as did Radcliffe-Brown (1940) and others (Redfield 1964, Bohannan 1965), is to create an unnecessary confusion which tends to undermine meaningful cross-cultural comparisons. Whatever the differences among anthropologists with regard to the definition of the court, their main interest in the concept so far has been as a tool for the definition of law. The interest in the concept gave rise to a methodological approach which came to characterize the literature in legal anthropology, namely, the case-study approach, cases having been utilized in a number of ways by legal anthropologists. In their book on the Cheyenne, Llewellyn and Hoebel (1941) introduced the analysis of "the trouble case." This was followed by a number of studies utilizing the case study method either to

document statements concerning the substantive law of the society studied, or to abstract and elucidate that law. An example of the first technique is Howell's analysis of the Nuer court decisions (1954) where he collected a large number of court cases, cla-sified them and abstracted the substantive aspect of the native law. Gluckman's study of the Lozi (1955) represents the second technique. Smith and Roberts used the same method of case analysis to abstract certain principles of the Zuni law (1954), and Nader utilized it in her study of the Zapotecan law (1964). The list of those who utilized the case-study approach is quite extensive, and the range of the societies they studied is quite varied. But most of them share the interest in the substantive rather than in the procedural aspect of the law.

When referring to the procedural aspect of the law one should keep in mind the difference between the technical and the abstract components of procedural law. The first refers to the activities and steps involved in the settlement of disputes in the society as well as the person or body undertaking the responsibility of such settlement. The second involves a number of abstract principles reflecting the values of the society with regard to the goals of the judicial process, and which the judicial persons use as a guide in achieving a settlement or in passing a judgment of one kind or another. These are the bases of judicial reasoning. Although judicial reasoning represents one of the most interesting and important aspects of the judicial process, it attracted very little attention among legal anthropologists. With the exception of Gluckman and his analysis of the concept of "reasonable man" among the Lozi (1955a), no significant work has been done in this area. In dealing with the concept of the reasonable man, Gluckman was more interested in discovering universals in laws than in the process of judicial reasoning as such. He implied that an

element of reasonableness is a universal principle in any judicial logic. Nadel reacts to Gluckman's implication of the universality of the concept suggesting that it is valid only in certain contexts, and that the cases reported by Gluckman from which he abstracted that concept are minor ones. Nadel maintained that the principle seems inadequate in major crimes such as homicide, witchcraft or assault. "If I am right, the Lozi would, in these situations, discard their guiding fiction of 'reasonable man' for the sharper dichotomy of things simply lawful and unlawful, permitted and forbidden" (1956:162).

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METHODOLOGY

One of the characteristics of legal anthropology is the absence of a coherent body of theory that could be utilized in the analysis and interpretation of the ethnographic data. What do exist, however, in the area of the ethnography of law are a variety of what may be called "tools of analysis." These are mainly methods and orientations which help to direct the researcher's attention to a certain area of behavior which describes best the phenomenon under study. Their main purpose is to help the researcher isolate particular portions of the phenomenon he is studying and as such enables him to conceptualize the problem. A number of these tools have been employed in the present study. One of these tools is Turner's "social drama" which was employed in the analysis of the political leadership and the judicial process. Since this approach depends upon the intimate knowledge of the sequential development of a given case, or cases, over a period of time, it was quite difficult to employ it in more than that particular context. As will be apparent in the later chapters, the judicial process among the group is highly informal. Most of the disputes are settled by means of mediation which is done behind the scene and with a great deal of secrecy.

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I managed, however, during my stay to be closely in touch with one of the major cases and with almost all the parties involved. This case was used as the basis for the "social drama" analyzed in chapter three of the present study.

In addition to the social drama, I have used the case study method to analyze aspects of the substantive law of the group especially with regard to concepts such as that of criminal responsibility and the nature of the contractual relations as exemplified by the marriage contract. Cases utilized in the study include ones that I observed myself as well as cases taken from texts and some which were told to me by informants.

Most of the data was collected through the time-honored technique of participant observation which was facilitated by the fact that the group spoke the native language of the researcher (or vice versa). Formal interviewing was conducted on a very limited scale, thirty-five extensive questionnaires in all. These questionnaires were originally designed and administered to supplement the life history material and to assess the attitudes of the particular people involved with regard to particular issues. Some of the results of these questionnaires are used in the chapter. Due to the non-representation of the sample interviewed, these results are used merely as illustration and not as representing any kind of statistical frequency.

ENTRY TO THE FIELD

It is common among anthropologists to talk with nostalgia about their field experience and about the group they studied. This usually gives the impression that field work is always an enjoyable experience. Although my field work seems at the present time to have been a pleasant experience, especially when comparing it to the pressures of everyday living in a

"modern industrial society," it was not easy work. This, despite the fact that there was no language barrier, seeing that I spoke the same language of the group, or rather they spoke my native language; I had no problems of introduction because I had worked in the area and become acquainted with a number of the tribal members in 1958. When I went to the field, I then sought out these old friends who introduced me to other members of the group.

At the beginning, I made a deliberate effort to avoid associating with the government officials who worked in the area, even though they were quite willing to help and seemed to have an intimate knowledge of the people in the area. I had thought that any identification with the government would put me in a suspicious situation as far as the tribal groups were concerned, and thus prevent me from having good rapport with them. Later, however, I realized that the relationship between the government officials in the area and the tribal population was extremely good, and they always looked to the government as a source of aid and support to them. There was no conflict of interest between the state administration and the tribal groups. In fact, people accepted me more readily whenever they knew that I had worked for the Egyptian government. This later developed into a time-consuming and disappointing experience when many of the tribal members came to me asking for help getting employment in the government projects in the area, or to have their sons accepted in certain government schools, or to get some favored treatment from the government relief organizations.

The difficulty I encountered in my field work stemmed from the interplay of three major factors: the reliance on the case study method which necessitates the intimate knowledge of the events, facts, and parties involved in each case; being a female anthropologist in a society where women by definition are barred from public participation and particularly

from the process of dispute settlement; and the semi-nomadic nature of the population in the area. 114 123

The reliance on the case-study method and especially that of Turner's "social drama" which requires extensive and detailed knowledge of the sequential development of a number of cases over a long period of time proved to be a major task in a society where disputes are settled not in formal hearings, but by means of informal mediation and behind the scene negotiations. These activities covered a large area, and were shrouded in a great deal of secrecy. The assumption is that the parties involved in the dispute should be given the privacy and chance to arrive at an acceptable settlement without being conscious of or influenced by the opinion of non-interested parties. The public hearing, or the mi'ad, loves the announcement of the agreement arrived at in private. As will be seen later, very little factual information about the dispute is discussed in the mi'ad. No record is kept of either the discussion in the mi'ad or the preceding negotiations. The process of dispute settlement is, then, highly decentralized. To be able to follow one particular dispute involves the constant reliance on informants not only to acquaint the anthropologist with the places of negotiations, but also to fill the gaps in the information about the process of negotiation itself. 114 123 124 627 578

As a woman anthropologist, I found myself at a disadvantage in a society where women were excluded from public participation. It is true that from the very beginning of the field work I was never cast into the role of the native woman, yet, my position as a woman posed a certain number of problems. When I first arrived in the area, I made a deliberate effort not to identify with the native women. When it was suggested to me that the relatively short skirts I wore were not practical for riding donkeys 114 123 562

or walking in the strong winds characteristic of the area, and that the floor-length native dress would be more appropriate, I refused the advice for fear of being identified in the minds of the people with the natives, and thus being treated in the same way. The possibility of being identified with native women was not very strong, because from the very beginning I did not act like one. I did things and talked about things that native women had never done or talked about. I drove a car, read, and wrote, and talked about national and local politics. More important than that though, to the tribal population, was that I was a member of the bar association of Egypt, and that I had practiced law for a year in Cairo. Every time I was introduced, the fact that I was an attorney was made evident. This gave legitimacy to my interest in studying the tribal legal system, and in many ways they were flattered than an attorney, especially a woman city attorney, would be interested in their law. Yet, in native clothes or not, in the native female role or not, I was still a woman, and as such I was not part of any serious activity, especially those of dispute settlement. My mere presence in any part of the dispute settlement made the gathering seem somehow less serious. At the beginning of the field work a deliberate effort was made to keep me from knowing anything about the whereabouts of the negotiations or what was going on. I had to bribe men, women and children to tell me where the negotiations were taking place and who they involved, and then appear on the scene uninvited. This condition lasted for about two months. At that time the news of my presence in the area spread around, and I had attended many of the negotiations that men became less conscious of my presence. In fact, some even asked me to attend the meetings where some parts of the negotiations were conducted and give them my opinion as to the fairness of the settlement.

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Yet, even when the problem of role definition was solved, it was still difficult to follow closely all aspects and phases of any particular dispute. This was mainly the result of the semi-nomadic nature of the population. In settled communities, the anthropologist usually finds himself in the midst of the social life of the community. He might not be a part of it, but at least a major portion of it is happening around him. In the case of nomadic or semi-nomadic populations, the situation is different. There were no large tribal concentrations in the area. The largest residential unit was the camp, and it consisted of no more than thirteen tents which changed in composition quite rapidly. In one camp, out of the thirteen tents which were there when I joined, only six remained unchanged by the time I left three months later. Originally I had planned to stay in the small village of El-Hamman, which was believed to be in the tribal route of the major tribal segment in the area. It took me only a few weeks to realize that the tribal segments did not follow any definite migratory route, and for more than four weeks I saw nothing of the life of the group more than the few individuals who came occasionally to the small settlement to buy tea or sugar, or to catch the train to Alexandria. It was then that I decided to leave the settlement and live with the camp. My stay in the camp was very insightful as far as information about the daily activities of the camp members and the relationship between the camp and other tribal segments in the area. But the camp was a very small group and fairly isolated. Besides, there was no way of knowing how typical that camp was to the other camps in the area. I finally decided that the best strategy was to live with a number of camps in the surrounding area for relatively short periods of time, making my base of operation a relatively settled camp in close proximity to a number of other camps.

114 123 361 [627] [621] [487]

619 Awlad Ali themselves are divided into three major sections: Ahmar
173 (the Reds); Abiad (the Whites); and Senenah. Each of these sections is referred to as "tribe" and sometimes "tribes." The first two major sections, those of Ahmar or the Reds and Abiad (Whites), are named after their mothers, the wives of Ali (founder of Awlad Ali). The Whites are named after their white mother, and the Reds after their Sudanese mother who, owing to her dark complexion, was known as El-Hamra (the red one).

613 In the past, writers such as Robertson-Smith (1903) have inter-
● 114 preted the reference to female names in patrilineal genealogies as in-
551 dicating an earlier matrilineal descent. I tend to agree with a more
[595] recent writer, E. Peters (1959), who explains the reference to female ancestors by two factors: patrilineal descent and polygyny. According to him, it is a way of distinguishing full brothers from half brothers and a means to show this genealogically. "The concept of the 'one womb', of maternal origin, is a critical one in the context of social cohesion, but it does not deny patriliny; on the contrary, it serves a sense to enforce it. Female names can be used to show a greater notion of cohesion than the mere use of male names, and the significance of a female name . . . is that it is symbol of full brother unity at the highest political level." (p.29).

613 This can be further supported by evidence from my own data which
551 show that reference to female names occur more frequently in charts
173 where tribal names rather than proper names are used. In genealogies
619 using proper names, informants rarely, if ever, trace their descent to an ancestress. But when charts of tribal names are used, it is not

2: Mohsen E,O-5 (1958-1966) 1971 MT9 Libyan Bedouin MT9
Awlad Ali

CHAPTER V

POLITICAL LEADERSHIP AND JUDICIAL PROCESS

69 629 628 One of the most idstinguishing aspects of the legal system of Awlad Ali is the absence of any formalized judicial structure. Disputes are solved mainly through the mechanism of informal mediation rather than through formal hearings of a court during which the facts of each case are presented and judgment based on the facts is passed. This does not mean that formal hearings are not known on the area. For the "Mi'ad" or tribal hearing is a common and very important practice in the tribal proceedings. The Mi'ad, however, is not a tribal court. It is merely a gathering of all interested parties and anyone else who wished to attend, in which the agreement reached behind the scenes by means of negotiations are announced.

628 613 683 [114] The first Mi'ad I attended was held in the house of Sheikh Mughaieb, the Aqila (tribal leader) of bait Mughaieb of the Sanagrah tribal segment in the area of Hamman, 60 miles west of Alexandria. The case that was to be settled at the Mi'iad involved the assaulting of Sheikh Mughaieb ty two younger members of bait Daoud who lived in a nearby camp. The dispute started when Ali, the youngest brother (14 years old) of the two assailants, found a piece of iron in the desert. Suspecting that it was a mine, he took it away from the camp to the small garden in the backyard of Sheikh Mughaieb's house, surrounded it with dry weeds and set fire to it. The piece of iron was in fact a mine and it exploded, damaging the trees and a window on the Sheikh's property. At the sound of the explosion Sheikh Mughaieb rushed out and found the boy trying to run away from

613 to Qudura and to tell him that Hakim wanted to show his respect. This
629
156 means in everyday parlance that Hakim was willing to pay him money.
[196] Qudura agreed to meet Hakim the following day.

[114] On the day of the meeting, to which I was invited, Hakim arrived
[431] with his son and gifts of three goats, tea and sugar. One of the goats
[594] was slaughtered and supper was prepared for the guests. While the guests were eating, Hakim and Qudura disappeared inside one of the tents for more than an hour. When they finally joined the gathering, Hakim announced that he and Qudura were now brothers and that it was his fault that Qudura was angry because he had accused him of being stupid and misunderstanding the content of the message sent to him after the meeting of the Aggary awawil. "I admit," said Hakim, "that I might have meant at one time and probably said it to sheikh Qudura that I wanted him to be the Aqila of bait Asabei'. Now that I have admitted this, Sheikh Qudura should not have any grudges against me or my son." Then Qudura addressed the gathering and said, in a very cold and dry manner, "I am glad that Hakim has come to this senses and admitted his mistake." The gathering lasted for most of the evening, spent mostly in behind-the-scenes meetings involving Hakim, Qudura and different guests. Then as the last guest left, Shei'eb, who had been inside the tent throughtout the evening came out and said that Hakim was a fool and that Qudura had tricked him into admitting publicly that he had lied and that Qudura still refused to take the oath.

613 Qudura's stand created a strong reaction which affected almost all
619 the tribal segments in the area. The case overshadowed any other event
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[521] and was the main topic of discussion. The reaction was mixed, however.

613 a request and examine the reasons behind it in an attempt to remedy them
681 if possible. They have to be sure first of all that by his request the person is not avoiding the paymnet of his share in a particular case.
[695] If this is proven to be the case, then no barawa is granted unless the person pays all his debts to the amar. This, like the amar's barawa of the individual, has to be put in writing.

613 I left the area a month after the meeting held at Qudura's camp.
578 By the time I left, bait Asabei' was almost in a chaotic situation.
[114] Many thought that the outcome would be in favor of Qudura, who would emerge from all the happenings as the leader of bait Asabei' as a whole. Others thought that the only possible outcome was for bait Asabei' to be divided into two or even three separate units with their own respective leaders.

Analysis

114 All events of the second phase occurred while I was in the area.
627 Nonetheless I was not able to observe directly all of these events, due to the nature of the judicial process among Awlad Ali which relies, as has been mentioned earlier, on informal mediation and influence, rather than on formal court hearings. Most of the above events happened behind
[124] closed doors and with a great amount of secrecy. For this reason I had to rely partly on informants' accounts of what exactly had happened between the parties involved.

613 The dispute in its two phases revealed a major weakness in the
627 social structure of the major bait of the Aggary family. As the events
182 of the case unfolded, they shed light on some of the important principles

582 time of the study. I have no information about the marital history of
[114] the men included in the genealogies. This is particularly important if
[582] we realize that the frequency of divorce in the area is quite high and
that there is a certain prohibition against ever marrying within a certain degree of relationship of his first wife.

582 According to the Koraan, a man is forbidden to marry certain
779 classes of women. Some of these women are permanently prohibited and others are only temporarily so. Marriage is forbidden with what are called the "maharem" (sing. mahram or non-marriageables). They are one's female ascendants and descendants; the former wives of one's ascendants or desendants; one's sister and the female descendants of one's sister and brother; one's paternal and maternal aunts and the sisters and aunts of the ascendants; one's mother-in-law and all female ascendants of one's wife. Marriage with the first cousin and the half-brother's half-sister (from another marriage) is therefore permitted. The second category of
[883] forbidden women are those related to the man by nursing. The wet nurse takes the place of the mother, and her relatives are treated as if she was the actual mother of the person in question.

In addition to the above, there is the prohibition of the simultaneous marriage of two women who are related to each other to the extent that had one of them been male and the other female, they would have come to the forbidden degree in marriage. This latter prohibition is not a permanent one and is restricted to the marriage of the two women at the same time. As soon as the marriage with one of them is dissolved, there is no prohibition on marrying the other one. Yet, although aware of the lecense given by the Islamic law to such marriage,

593 606 559 586 [014] The case persisted for more than two months with no sign that either party was willing to give into the demands of the other. I left the area before any solution to the case was achieved.

584 578 606 [594] [595] Another relevant case is one which involved a dispute between Hassan Hassanein from the Sanagrah tribe and the father-in-law of his daughter who was also from the same tribe and who lived in the same area. The case started when Hassanein was visited by a friend from the Esheibat tribe in Matruh, an old man of 60 or 70 years. During the night that this guest spent at Hassanein's house, they got to talking about marriage and the fact that although his guest was a wealthy and respected man, he had only one wife. After a lengthy talk, it seemed that the old man was convinced that he should have a second wife and asked Hassanein if he knew of a suitable girl to marry. Hassanein suggested his daughter's sister-in-law. Hassanein took the prospective groom to the tent of his daughter's father-in-law and discussed the matter with the father of the prospective bride who agreed to marry his daughter to Hassanein's guest if he paid the sume of 200 pounds, in addition to slaughtering a number of goats and presenting him with the appropriate presents. When the man agreed to the terms, the fatha was read to signify the agreement between the two parties. Hassanein left the man to spend the night in the camp of his future in-laws. In the morning the groom told the bride's father that he must go to nearby Alexandria to bring the money for the bride price. When he came back late that afternoon, he paid the money and set a date for the wedding the next Thursday and then left for Matruh to prepare for the arrival of the new wife.

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of drastic actions taken in cases of adultery. Of the fourteen cases of adultery that I examined furing my field work, none resulted in the killing of the adulteress, and only three resulted in the murder of her partner. In all three cases where the adulterer was killed, the avenger was the husband; and in all three cases, the husband had to pay the bloodmoney to the murdered man's kin group. His payment of the bloodmoney, among other things, may indicate that the right of the husband to kill the adulterer is not completely accepted among Awlad Ali. All agree, however, that such killings never result in blood feuds because of the shameful circumstances in which the victim dies.

It was very difficult to obtain any detailed or reliable information about adultery cases. All the above mentioned fourteen cases were gathered from the informants, twelve of which were cases which had already been solved. For the two cases which were still open at the time of the study, information was quite vague. Usually such cases are conducted with a great amount of secrecy, with the involved parties referring to them as cases of theft, or merely by saying that the cases involve women. Only when the adultery leads to the killing of the adulteress or the adulterer are more details publicly known about the case.

But while the right to retaliate for the shameful action of an adulterous wife is vague and diffused, the right of the husband for compensation from the adulterer remains clear and undisputed. In this resepct, adultery is treated very much like theft; the adulterer has stolen the husband's exclusive right to his wife's sexual activities. The compensation for this offense is estimated at L.E. 20, in addition to the mahr, if the husband decides to divorce his wife as a result of her adultery.

581 Marriage does not deprive the woman of some rights of her own.
585 The customary law gives the wife three basic rights corresponding to
562 those of the husband's sexual services, domestic work, and obedience.
671 Corresponding to the first of these, the wife has the right to have a normal sexual life with her husband. This right, however, is not an exclusive one, since the husband can marry more than one wife. A woman
585 can be divorced from her husband without having to return the mahr if
586 she claims that the husband is unable to perform his sexual duties. In
593 such cases, the marriage is usually dissolved quietly. In certain rare instances, the husband may deny his wife's accusations. If both insist
585 on their stand, one or both may ask to be submitted to "bait el-shana'a,"
586 or house of the dreadful deeds. Reports are extremely vague about the
593 exact procedures involved in this case. Some informants stated that the
627 married couple would live in a tent without sidewalls so that everybody could see what goes on inside. Most informants, however, insist that it merely means that the couple move their tent near that of a respectable man whose word is believed and honored. This man is supposed to keep a close watch on the couple's activities, by listening or looking through holes in the tent. His verdict determines the future of the marriage.
[583] If the wife is justified in her claim, the husband is forced to divorce
[681] her and to forfeit his mahr. If, on the other hand, the verdict is for
[558] the husband, he not only can divorce her and get back the mahr, but is also entitled to kabara, or compensation, for his injured pride. There
[114] is no case of bait el-shana'a in the area during the time of the field
[178] work, and most people insist that this practice is something of the past
[583] when the mahr was relatively high and was paid in livestock, in which

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593 case its return to the husband would have caused great financial in-
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[114] convenience for the wife's family.
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(583)

Corresponding to the second right, the husband's right to his
581 wife's domestic work, is the wife's right to maintenance. The husband
585 has to support his wife. This includes providing her and her children
562 with adequate food and proper clothing. If the husband fails to do so
593 because of poverty, sickness, crop failure or unexpected disaster, the
wife's brother or father provides her and her children with the neces-
[586] sary food and clothing. If the husband's failure to fulfill his duties
is due to neglect, the wife can leave him and go to her father or brother
who talks the matter over with the husband who, in turn, either agrees
to their demands or has to divorce his wife and forfeit his mahr.

593 Finally, corresponding to the husband's right to his wife's obedi-
562 ence is the wife's right to fair treatment by her husband. There are a
[179] number of ways in which the wife is mistreated. One is excessive punish-
ment; although the right of the husband to punish his wife is provided in
the Koraan, the punishment must be excessive or severe. Awlad Ali draw
a line between acceptable and severe punishment. A punishment is severe
if it results in something that other people can see or hear. If the
husband insults his wife or her family and others hear the action, or if
he beats her and this results in visible traces, then the punishment is
severe.

593 A wife considers herself mistreated if the husband, when married
595 to more than one, treats any of the other wives better than he treats
562 her. Although the wife cannot deny her husband the right to have ad-
ditional wives, he must give them all equal treatment. This includes

586 626 593 [562] [779] divorce only under specific circumstances in the absence of which the husband can force her to live with him. Following the Koraanic rules, Awlad Ali give men the right to dissolve the marriage at will and without any necessary justification; however, they differentiate between cases where divorce is justified and those in which it is not. In a case of justifiable divorce, the husband can take back the mahr and possibly all other marriage expenses. In the case of unjustifiable divorce, the husband forfeits his right to regain the mahr. Divorce is justified whenever one or more of the husband's rights are violated by the wife or members of her family. Not all degrees of violation are considered as justification for divorce, however. Only intolerable violations can be considered as such. In deciding whether or not an act constitutes an [183] intolerable violation, Awlad Ali judge it against the standard of the reasonable man, the customary man, and what he would have tolerated in a similar situation.

586 183 554 What constitutes reasonable behavior does not only vary according to the situation and the manner in which the actions are taken, but also with the relative position in the social structure of the parties involved and their initial relations to one another. In the case of divorce, what constitutes grounds for justifiable divorce in one case may not be sufficient grounds for justifiable divorce in another. In one of 586 183 554 511 the cases I witnessed during the year of study, a man who divorced his wife because of her insistence that he buy her meat from the market every day of the week, was forced to forfeit his right to redeem the [114] mahr on the basis that the wife's actions had not established a basis for justifiable divorce. In the negotiations that followed, the position of the husband, as well as that of the family of the wife, were discussed.

3:Evans-Pritchard E-4, 5 (1942-1944) 1949 MT9 Libyan Bedouin MT9
(1837-1942) Sanusi

[P. iii]

PREFACE

THIS account of the Sanusi of Cyrenaica would not have been written if a number of accidents had not led me to their country during the late war, but the seed of it was planted long before the war. I had acquired during three years' residence in Egypt and through travels in other Arab lands some knowledge of Arab history and culture, a little experience of Bedouin, and proficiency in spoken Arabic. During the war a year spent as Political Officer in the Alawi... Territory of Syria added to both knowledge and enthusiasm. I had been acquainted with some of the Sanusi exiles in Egypt as far back as 1932 and had visited Darna and Banghazi by sea; and it had long been my hope that I might some day, when the Italians had ceased to rule the country, have a chance to visit the interior. This wish came true when in November 1942 I was posted as Political Officer to the (third) British Military Administration of Cyrenaica. I spent over two years in the country, the greater part of them among the Bedouin, particularly the more nomadic sections. Inhabited Cyrenaica is a small country and as in the course of my wanderings, mostly in its southern steppes and the desert beyond them, I covered more than two thousand miles by horse and camel I came to know something of its Bedouin tribes. My duties, it is true, prevented me from carrying out any systematic inquiries of a sociological kind, but the contact with the Bedouin they entailed enabled me to read the literature which forms the basis of this study in the light of my own experience. My labours have been but a small return for the hospitality of the tents and the many kindnesses of my Bedouin hosts.

I have not attempted to write a history of Cyrenaica, but only of the development of the Sanusiya Order among the Bedouin tribes of the country. I have, therefore, said nothing of the centuries of Greek colonization and Roman and Byzantine rule, nor of the little known centuries of Arab and Turkish rule until 1843, when the Grand Sanusi founded his first zawiya, or religious lodge, on the Cyrenaican plateau. Also, I have not aimed at giving a comprehensive account either of the Sanusiya Order or of the Bedouin tribes, but I have described both only in so far as seemed necessary to an understanding of the political

3:Evans-Pritchard E-4,5 (1942-1944) 1949 MT9 Libyan Bedouin MT9
(1837-1942) Sanusi

into the Order ordinary members. This is done simply by the two persons concerned shaking hands and reciting the *fatiha*, the opening verse of the Koran, together. These categories can hardly be regarded as grades and I can cite the authority of Sayyid Muhammad Idris to support the opinion that they have never meant more than that some persons were recognized as more learned than others and therefore better qualified to recite the longer and more advanced religious exercises.

II

The Grand Sanusi's desire to create around him a society living the life of primitive Islam and his missionary zeal gave an impression, enhanced by the austerity of his Bedouin followers and the remoteness of the Sahara, of excessive puritanism and fanaticism; and some writers have compared the Sanusi movement to the Wahhabi movement on account of these supposed traits. Duveyrier's account,[1] used very uncritically by other writers, is largely to be blamed for the exaggerated stories of the secrecy, puritanism, fanaticism, power, and numbers of the Order that were current at the end of the last century and in the first decade of the present century and which much prejudiced it in the eyes of European Powers with interests in North Africa. With Duveyrier it was an axiom that any foolhardy European who got himself killed in North and Central Africa had been assassinated by Sanusi agents and that any setback to French interests was due to their propaganda.

It is true that the Grand Sanusi, like the founder of the Wahhabi movement, aimed at restoring what he conceived to be the original society of the Prophet. Neither was peculiar in doing so, for every Muslim preacher must have the same aim. The Grand Sanusi forbad the drinking of alcohol and the taking of snuff and at first, though not absolutely, smoking. But all Muslims are forbidden alcohol and many who are neither Sanusi nor Wahhabi think that smoking is best avoided. It is untrue, as has been asserted, that the Sanusi are forbidden coffee. The Bedouin of Libya do not drink coffee, only tea, in

[1] H. Duveyrier, *La Confrérie Musulmane de Sidi Mohammed ben 'Alî es Senoûsî et son Domaine géographique en l'Année 1300 de l'Hégire = 1883 de notre ère*, 1884.

3:Evans-Pritchard E-4, 5 (1942-1944) 1949 MT9 Libyan Bedouin MT9
(1837-1942) Sanusi

praise of which many poems have been written by Brothers of the Order. The Grand Sanusi forbad music, dancing, and singing in the recitations of the Order, but in this he was at one with all the official spokesmen of Islam. Most reformist movements in Islam tend towards asceticism.

Far from being extreme ascetics, however, the Sanusi Brothers eat and dress well, even using scent, and are amiable and merry companions. The Tunisian scholar and traveller Muhammad 'Uthman al-Hashaishi, who travelled in 1896 via Malta, Tripoli, and Banghazi to Kufra to visit al-Sayyid al-Mahdi and met the leading Brothers of the time, remarks that 'they are fond of diversions, honest jesting. I have visited many of their zawiyas and I have made the acquaintance of many of their notables: I have seen only cheerful and smiling faces, welcoming me with benevolence and kindness. May God reward them!'[1]

The Grand Sanusi discouraged the trappings of poverty by his example, his exhortations, and his insistence on the Brothers being self-supporting. Although the Heads of the Sanusiya Order, like the Wahhabi leaders, encouraged settlement on the land, they can hardly have hoped to have greatly influenced the Bedouin to this end; but they insisted on the lodges of the Order supporting themselves by agriculture supplemented by stock-raising, and thereby took a stand against *ittikal*, the dependence for livelihood on alms and not on labour which some mendicant Orders have advocated.

The Order has always been, in fact, conventional as well as orthodox. In its early period it was essentially a missionary Order with the limited aim of bringing by peaceful persuasion the Bedouin Arabs and the peoples of the Sahara and the Sudan to a fuller understanding of the beliefs and morals of Islam, while giving them at the same time the blessings of civilization: justice, peace, trade, and education. Its principles were, as Shaikh Muhammad 'Uthman says, simply 'to do good and avoid evil'.[2]

The accusation of fanaticism is not borne out by either the character of the Bedouin adherents of the Order or by its actions.

[1] Mohammed ben Otsmane el-Hachaichi, *Voyage au Pays des Senoussia à travers La Tripolitaine et les Pays Touareg*, 1912, p. 128 (1st ed., 1903).
[2] Ibid., p. 86.

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divine blessing, since it was because the Bedouin believed the Sanusi family had the same virtue that they accepted their leadership.

The resemblance often alleged between the Sanusi and the Wahhabi movements, on the grounds of like puritanism, literalism, and fanaticism, cannot be substantiated. It is obvious that there must be resemblances between new religious movements: they usually claim to be a return to primitive faith and morals and they are generally missionary and enthusiastic. There is no great significance in such common characteristics of the two movements. Nor is there any reason to suppose that the Grand Sanusi was directly influenced by Wahhabi propaganda. A more significant comparison between the two might be made by tracing their developments from religious into political movements. Both started as religious revivals among backward peoples, chiefly Bedouin, the Wahhabi movement in the Nadj in the eighteenth century and the Sanusi movement first in the Hijaz and then in Cyrenaica in the middle of the nineteenth century; the *Ikhwan* organizations of the two movements have much in common; and both ended in the formation of Amirates, or small Islamic States.

Both movements have created States, the Wahhabi in Arabia and the Sanusi in Cyrenaica, based explicitly on religious particularism. In doing so they have only done what any movement of the kind is bound to do in a barbarous country if it is to continue to exist, namely, to create an administrative system which would ensure a measure of peace, security, justice, and economic stability. A religious organization cannot exist apart from a polity of a wider kind. But they did not create the sentiment of community which made the growth of governmental functions and the emergence of a State possible.

Religious divisions in Islam have commonly been the expression of a sense of social and cultural exclusiveness. The support given to the 'Alids in Persia and Arabia, to the Umayyads in Africa and Spain, to the Fatimids in Egypt, to the Kharijites by the Berbers in North Africa, and the adoption of extreme Shi'ite doctrines by the mountaineers of Syria and by the Kurds, and of Isma'ili teachings in parts of India, were all reactions against foreign domination as much as revolts against orthodoxy. The religious deviation was the expression of the intense desire

3:Evans-Pritchard E-4, 5 (1942-1944) 1949 MT9 Libyan Bedouin MT9
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the territories of Kawar, Tibesti, Borku, Ennedi, Darfur, Wadai, Kanem, Chad, the Azger, the Air, and Baghirmi. Its teachings were spread as far as Senegal. The work of organizing this propaganda fell largely to Sayyid al-Mahdi's two principal lieutenants. Sidi Muhammad al-Barrani operated in Kanem, where he founded a lodge at Bir Alali on the route to Chad and organized bands among the Aulad Suliman, Zuwaya, Majabra, Tibbu, and especially the Tuwariq, to oppose the advance of the French into Central Africa; and afterwards in the Borku. Muhammad al-Sunni, and his son al-Mahdi, operated in Bornu and Baghirmi, where he entered into relations, politically unfruitful, with the Sultans of those countries, and in the Wadai, where he strengthened the good relations existing between the Sultan of that country and Sayyid al-Mahdi. In 1899 Sayyid al-Mahdi transferred the seat of his Order to Qiru (or Quru) oasis, between Borku and Tibesti, to direct better its propaganda, to administer the extensive regions won to it, and to organize resistance to the French.

It is sometimes said in European books that one reason why Sayyid al-Mahdi went from Jaghbub to Kufra was his desire to increase the distance between himself and the Turkish Administration of Cyrenaica, but I have not found any evidence to support this view. On the other hand there can be no doubt that he was alarmed by the military and political activities of the French, about which he seems to have been well informed. The French were hastening to reach the limits of the sphere allotted to them by the agreements with England of 1898 and 1899 about the partition of Central Africa. In January 1902 they seized Bir Alali (Kanem) and destroyed the Sanusiya zawiya there. At the end of May, or at the beginning of June, in the same year Sayyid al-Mahdi died. His brother, Sayyid Muhammad al-Sharif, had predeceased him at Jaghbub in 1896.

In general the energies of the Sayyid al-Mahdi had been directed to the Sahara and the Sudan and the main events during his headship of the Order took place off the Cyrenaican stage. I have not thought it necessary, therefore, to give more than a brief summary of his career and of the political history of the Order in Central Africa. He saw the Order his father had founded rise under his direction to the height of its expansion

3:Evans-Pritchard E-4, 5 (1942-1944) 1949 MT9 Libyan Bedouin MT9
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161 If the Bedouin of the country number no more than 150,000
162 it is evident that density of population outside the towns must
be very low indeed. Ricci's map, based on Col. De Agostini's
114 census, shows a density of 0 to 5 per sq. km. for all the tribes of Cyrenaica except the 'Arafa, the Darsa, and the Hasa, all plateau tribes, for which he gives a density of 5 to 10.[1] Col. De Agostini, in his exhaustive monograph,[2] written before the worst Italian excesses, reckoned the native population of Cyrenaica at 185,400, of whom 181,750 were Arabs and 3,650 Jews. Of the Arabs about 25,000—I give round figures—were living in urban centres, about 7,000 in the oases, and about 150,000 were tented Bedouin. Of the Bedouin he classed only 16,000 as nomads, 35,000 as semi-nomads, and 99,000 as stable. His classification into nomads, semi-nomads, and stable was, as he recognized, arbitrary, since there is no reliable criterion of stability among a tented people, but it gives a useful indication of relative mobility. By 'stable' Col. De Agostini meant normal residence in a determined area within which the tents are pitched here and there for watering or other reasons and with periodic movements for sowing and pasturing, even though some days away from their usual seat, as we find among the 'Arafa tribe and a considerable part of the Hasa, the Darsa, and the 'Abaidat tribes. By 'semi-nomads' he meant those Bedouin who spread with greater frequency and more widely either in their own territory or towards zones of sowing or pasturing where they remain for a long time on account of less prosperous conditions in their own territory, such as we find in the Magharba tribe and parts of the 'Awaqir, the Bara'asa, and the 'Abaidat tribes and in many of the more important client groups. By 'nomads' he meant Bedouin who, although they possess their own territory or recognized centre, emigrate for long periods to distant, and not always the same, objectives, and are almost always fractionized into small groups for reasons of watering and pasturing; or Bedouin who normally wander in desert territories, giving themselves exclusively to rearing camels. As examples of nomads in this sense he mentions the Aulad Shahin section of the 'Abaidat tribe and many units

(113) [1] *La Cirenaica—Geografica-Economica-Politica*, edited by Olinto Marinelli, 1922–3.

[2] *Le Popolazioni della Cirenaica*, 1922–3, p. 444.

3:Evans-Pritchard E-4, 5 (1942-1944) 1949 MT9 Libyan Bedouin MT9
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of the more independent client tribes. In other words, all the Bedouin of Cyrenaica are nomadic in some degree, some more and some less, and Col. De Agostini rightly stresses that whether they move much or little they all have the same characteristics when compared to peasants and townsmen.[1] They are all *bwadi*, as the Cyrenaican dialect has it, people of the tents, and they see themselves as a single people against the *hadur*, the citizens.

I have so far said nothing of the towns of Cyrenaica or of their inhabitants. They play a minor part in this story, which is about the Bedouin, but they cannot be entirely left out of it on account of their economic and political relations with the Bedouin, so I take this opportunity to give a brief account of them.[2]

Banghazi, which is supposed to be called after the saint Sidi Ghazi, buried in the town, is on the site of the classical Berenice. It is believed that after the disappearance of the Graeco-Roman community the site was unoccupied till the fifteenth century, when it was reoccupied by immigrants from the mercantile communities of the Tripolitanian coast, among whom Misuratans, both Muslims and Jews, preponderated in numbers and wealth. The Genoese Della Cella, who passed through the fly-infested town in 1817–18, in the time of the Caramanlis, says that it then contained about 5,000 inhabitants, at least half of whom were Jews.[3] Shaikh Muhammad 'Uthman al-Hashaishi, who was in the town in 1896, says that the greater part of the traders were immigrants from Sfax and the Island of Jerba—he was himself a Tunisian and often tended to exaggerate Tunisian influence—with some Greeks and a few Italians. 'As to the Turks, they do not give themselves to trade.' At this time Banghazi was a very simple, mostly mud-and-rubble, town, and the learned Shaikh makes a point of telling us that there were no posts or telegraphs, nor even a railway, save a line of three kilometres joining the official

[1] Ibid., pp. 32–3.

[2] The historical information is chiefly derived from Agostini, ibid., pp. 413–43.

[3] Paolo Della Cella, *Narrative of an Expedition from Tripoli in Barbary to the Western Frontier of Egypt in 1817*, 1822, pp. 194–5. (First published in 1819.) F. W. and H. W. Beechey (*Proceedings of the Expedition to explore the Northern Coast of Africa from Tripoly Eastward in 1821 and 1822*, 1828, p. 299) consider Della Cella's estimate too high. Theirs is 2,000.

4: Peters E-5 (1948-1950) 1970 MT9 Libyan Bedouin MT9
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complicate the more direct relationship of the distribution of groups of people to the ecology.[3]

The Cyrenaican genealogy, then, is a conceptualization of a hierarchy[4] of ordered territorial segments. The groups stemming from the ancestor at the third order of segmentation are referred to as tribes, and each tribe is the apex of a three-tiered order of segments, which, following customary practice, are referred to as primary, secondary, and tertiary. The latter, the tertiary segment, represents the group of people who, for a period of six to eight months, gather together and live in what, for all intents and purposes, is a single discrete residential group.[5] This tertiary group is also the smallest political group. It has its own homeland, with its water supplies, pastures, and ploughland. In this homeland live most of its members. It is a lineage segment, and most of the agnates of this segment live on their own homeland.[6] It is also the vengeance group, which means that any one of its members can be killed in vengeance for a homicide committed by any other, and that the obligation to exact vengeance falls on all members alike, regardless of relationship to the victim. Likewise, its members pay blood money as a group, and although when they receive it, a bigger portion goes to the nearest agnate of the victim, the remainder is distributed equally among all its members. The number of generations which supervene between the founding ancestor of a tertiary segment and the living is usually four or five, but there is little consistency in this number. Some tertiary

[3] This part of the discussion is necessarily brief, but further amplification will appear in two subsequent articles now in preparation, one of which is concerned with a general treatment of Cyrenaican genealogies, and the other with a discussion of the effects of ecology on the social organization of the Bedouin.

[4] I use the word hierarchy here since, although segments of any order display many like features, the orders represent distinct and progressively more embracing interests, and these differences are of such consequence that to consider one order of groups as a facsimile of a superior or inferior order can only lead to confusion. A tertiary group, that is to say, may possess many of the characteristics of a secondary group, but the one is a fundamentally different sort of group from the other, as I shall show in my forthcoming article on the feud. (cf. Smith, M. G. 1956.)

[5] This statement does not apply to the Darsa and the Hasa tribes, two of the plateau tribes in Cyrenaica. The statements in this article are confined almost exclusively to the camel herders of the semi-desert.

[6] This, admittedly, is too general a statement to make about such an important issue, but I would prefer to leave its documentation and precision for an article on the analysis of the composition of Bedouin camps.

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Although I must confess that I now find it difficult to accept Evans-Pritchard's view of genealogical growth and development as stated for the Nuer, it was the view I originally held with regard to Bedouin genealogies. Indeed, thinking in genealogical terms only, it appears inevitable that the addition of successive generations can only mean the lengthening of the genealogy, or, if the length is to remain constant, extrusion of ancestral names must take place at the apex of the genealogy. If this view is to be accepted, several other conclusions must be accepted with it. The genealogy, as far as it goes at least, is an accurate record of descent—some names may have been lopped off at the top, but otherwise the genealogy represents a faithful statement of succession. Again, if successive generations are to be added to the genealogy, then its base must continually expand laterally. From what is known of contemporary Bedouin genealogies, there is no evidence which leads to the supposition that their base is progressively widening. With regard to the authenticity of the names in the genealogy, above the point of tertiary segmentation, I hope to show in a subsequent article on Bedouin genealogies in general, that names above the tertiary point of segmentation have remained fixed for very long periods of time, and that they bear slight relation to the passage of generations over the last century at least; moreover, in this article I hope to demonstrate that what manipulation of the genealogy takes place does not affect more than about four or five ascending generations from the living.

Part of the difficulty in a study of this sort lies in the strong temptation to think of the genealogy *per se*, even though it is readily admitted that it has a value in itself for the Bedouin. Yet even in these terms the genealogy must always represent an ordered grouping of people, and these people live on strips of territory. The starting point of the analysis then ought to begin with the territorial ordering of groups of people. The relation of groups of people to land, moreover, is determined by the carrying capacity of that land, and it is this prerequisite which is the main variable in discussing genealogical manipulation, and not the other way about. The main landmarks of the Cyrenaican ecology are fixed points which cannot be manipulated to fit in with the genealogy; it is the genealogy which must be altered to comprehend the distribution of people in their ecological setting.

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613 619 621 At the next level of segmentation (this now being the tertiary order in any given tribe) the number of segments which appear is conspicuously irregular. For the Magharba tribe, the four secondary segments, 'Ali, Mansur, Subh and Nasr are divided into thirteen, six, four, and four segments respectively. Similar irregularity appears in other tribes.[11] The pattern of the genealogy is always one of regularity in the number of segments at all points in it except for the point of tertiary segmentation where conspicuous irregularity becomes immediately evident. Since these 613 619 621 segments constitute the summer camps of the Bedouin, this is not surprising, for these small groups will show greater susceptibility to details of local water supplies, pasturing facilities, ploughland areas, and topographical features than would the numerically 133 larger and structurally superior groups occupying larger areas of 182 territories of greater ecological importance. If we follow the line 131 from Sa'ada to Nasr again, the bifurcation at the first order of segmentation is consistent with the division of the country into the permanently green high altitudes of the plateau, and the extended low-lying plain area of the western half of the country. [134] Between the territory of the Magharba tribe ('The White Plain') and that of its neighbour tribe, the 'Awaqir ('The Red Plain'), there is a major soil difference, which is such a conspicuous feature of the landscape, and so sharply defined, that one is almost aware when one has crossed the tribal boundary. Within the Magharba tribe, a prominent dry river valley cuts the territory in two, the landscape to the west of it being characteristically serrated, making travel in an east-west direction difficult, while to the east the landscape is much more docile and undulating. The four sections of the ash-Shamakh branch again represent four quite distinct areas. The territory of one section is almost conterminous with the narrow belt of sand dunes along the coast; the territory of another is a block of rough and tumbled land in the west; the territory of a third, in the centre, is made up of a few low-lying shallow valleys; and the territory of the fourth,

[114] [11] It is necessary here to warn the reader that, brilliant an ethnographer as Agostini undoubtedly was, his grouping of tribal sections is not always correct. I had his book (Agostini 1922–23) with me in the field and checked his tribal survey. I found that at several important points his ordering of the segments was incorrect. I should add that the differences between Agostini and myself are not due to the kind of changes discussed in this article.

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change their structural position only rarely. The latter change sometimes does, however, occur, and there is evidence to show that it does. For example, Agostini (1922–23, p. 323) in his tribal survey, records a section named Barsha as one of the groups stemming from Nasr.[12] In the genealogies I was given, the name did not appear, and even after some questioning, what information was known about it was concealed. Some time later the name cropped up accidentally in conversation, and I was then told that at one time it had been one of the Nasr groups, but that after a quarrel during a year of water shortage, the Barsha folk went to live with people with whom they had maternal connexions, and in whose territory there was ample water that year, and never returned. The group, a tertiary one, was detached from the tertiary point of segmentation in the genealogies, and tied on to a tertiary group of another tribe in its new homeland.

To summarize briefly the argument thus far, the mechanical devices of telescoping, fusion of names, the ejection of those names which cease to be of any social consequence, and the elision of names at or around the fifth ascending generation, taken together point to the importance of the tertiary order of segmentation in discussing the problem of maintaining the form of the genealogy constant in face of its natural tendency to alter; further, evidence of changes (adoption into a lineage, detachment from it, the inclusion and exclusion of clients) was presented, and this again led to the conclusion that the tertiary point of segmentation is critical in this respect. This being so, the manner in which change actually occurs, still remains to be shown, and this is best done, perhaps, by discussing the mode of proliferation of tertiary segments. In order to do this adequately, it is necessary to say something briefly about certain features of Bedouin marriage.

Among the Bedouin there exists a preferential form of marriage between a man and his father's brother's daughter. Parallel cousin marriage of this sort carries with it the exclusive right of a man to this cousin. Without his consent no one else can marry her, and to attempt to do so would be to risk the marriage arrangements being nullified after negotiations had almost been

[12] Barsha's position is incorrectly given as a sub-group of Haiba; it should be shown as structurally equivalent to Haiba. See also note 11.

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SOME STRUCTURAL ASPECTS OF THE FEUD AMONG THE CAMEL-HERDING BEDOUIN OF CYRENAICA[1]

E. L. PETERS

WHEN a Bedouin kills another in Cyrenaica, one of a number of consequences ensues. According to the Bedouin, the particular consequence is determined by the genealogical positions of the persons or groups concerned. In the first part of this article an analysis of the disturbances in social relationships precipitated by homicide is made, using a lineage model as a framework. In this part of the discussion the arrangement of the information corresponds closely to the view the Bedouin give of their relationships. Additional information is then presented to show that this lineage model neither covers several important areas of social relationships nor enables an accurate prediction of events to be made. This raises the issue: can the comprehensive power of the model be increased by complicating it, or does complexity destroy its utility? The argument advanced is that the lineage model is not a sociological one, but that it is a frame of reference used by a particular people to give them a common-sense kind of understanding of their social relationships. For sociological purposes this means that the lineage model, with its supporting theoretical presuppositions, must perforce be abandoned. In the latter part of this article some of the implications of adopting this position are discussed. Particular stress is

[1] This study is based on field-work in Cyrenaica carried out over a period of twenty-seven months from January 1948 to December 1950. The field-work was made possible by the award of a Horniman Studentship and of a Treasury Senior Studentship in Oriental Languages and Cultures. I wish to express my thanks to both awarding bodies. The paper was presented in its first form to a seminar at Manchester University. Modified versions were read at Oxford and Cambridge and at University College London in 1963. In a Manchester seminar, Professor W. J. M. Mackenzie raised issues which led me to reconsider my mode of analysis. Professor Ely Devons read a draft of the article, and offered valuable suggestions. I also wish to thank Professor Gluckman for the many profitable discussions we have had on the institution of the feud. My interest in the feud stems directly from Evans-Pritchard's work on the institution among the Nuer. I am most grateful to him for his help and encouragement while I was pursuing my researches. Finally, anyone writing on the feud must acknowledge the contribution made to its understanding by Dr. Elizabeth Colson.

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682 602 To complete this general statement, two further circumstances are cited by the Bedouin. If a man kills a related person who is not an agnate (it is expressed as killing the mother's brother) the breach in relationships must be healed as quickly as possible. The convention for dealing with this is that the offender, bound hand and foot, mounted on a horse, is sent to the camp of ' the owner of the blood ', in the company of a holy man, there to make an offer of his life, saying: ' Here is my knife, my life is yours; here is my shroud, my life is yours.' No Bedouin would agree for a moment to undertake this journey if he thought the offer might be accepted. In Bedouin sentiments a life offered in this way cannot be taken. It is the convention which precedes a peace meeting and blood money. Any other way of dealing with the confusion, which spreads as a result of a homicide between cognates, is excluded.

682 562 613 [582] [591] Secondly, if a woman is killed, whatever the intersegmentary distance, the homicide is said to be accidental, because a man never ' intends ' to kill a woman. Blood-money arrangements are made as soon as possible, and the wealth—half that of a man—passes to the deceased's father, not to her husband, for a woman's ' bone ' always belongs to her father. Obviously women cannot be allowed to enter into feud; since it is demographically compelling (apart from other reasons) for some of them to marry outside their natal groups, then they might well find themselves residents in the enemy's camps, if they were to become involved in feuds.

121 682 613 829 619 This statement of the different means available for the regulation of homicide at the several orders of tribal segmentation is the view the Bedouin themselves hold of their relationships. An analysis of the facts presented thus far could bring out a number of interesting points with regard to the relativity of morals, the typification of acts by their social context, the significance of the orders of segmentation, and so on. Rather than proceed along these lines, however, it is more urgently necessary to reflect on the significance of the fact that the arrangement of the material in terms of what is usually called the lineage structure coincides with the Bedouin ordering of the same details. It is, of course, important to note that the account is not based on mere hearsay evidence. Each statement made can be documented from known homicides, and to this extent the model that has been used is consistent with reality. The model, nevertheless, can only be a representation of what a particular people, the Bedouin, conceive their social reality to be; it is a kind of ideology which enables them, without making absurd demands on their credulity, to understand their field of social relationships, and to give particular relationships their *raison d'être*. But, as will be shown, it would be a serious error to mistake such a folk model for sociological analysis. Such an error is difficult to avoid because the Bedouin, when defending their view, are able to cite enough bits and pieces of reality to make their argument convincing. The flaw in the reasoning is seen when it can be shown that its consequences are absurd. As an example of what is meant, the statement that feud is attached to groups at the secondary order of segmentation may be considered. If the statement were true, if each and every secondary section were at feud one with the other (and in a structural sense this ought to be so), then each tribe would be divided into small mutually hostile groups, which completely lacked any possibility of movement, even for pasturing purposes. Presented with this, the Bedouin would argue that this is not in fact so, because secondary and primary sections are interlinked in many ways. That is, they evoke what to them are contingencies to explain why they are at feud with one

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121 613 114 [619] [621] [578] part of a secondary section but not with another. Once contingencies are permitted to enter in, the lineage model ceases to be of use, for what is implied is that at all times some parts of sections structurally situated for feuding do not in fact feud. Other facts can be adduced to show that the structural view is inadequate but, before proceeding to examine these, some general objections to the lineage theory need to be raised. In the first instance, the corner stone in the theory of lineage systems is that they consist of parts which are in balanced opposition. It is no accident that the idiom generally used in discussing the segmentation of a lineage system is that segments bifurcate. Indeed bifurcation is necessary if lineage theory is to make sense, because if at any order there are more than two segments, then combinations can occur which are not comprehended by the theory. In the Cyrenaican lineage the number of segments at the tertiary order is haphazard, in some cases as few as two but in others as many as a dozen or so. Where there are many segments at this order it is rather pointless to speak in terms of balanced opposition. Moreover, at the secondary order of segmentation the number of segments are fairly consistent throughout the tribes, but they number more than two in all of them. It is also a fact that combinations occur and, moreover, these may be between the tertiary segments of two ' opposed ' secondary segments.

121 613 571 622 114 Secondly, in lineage theory groups come together to constitute larger segments in opposition to like segments. Yet in lineage societies there is a lack of instituted authority, there are no chiefs distributed throughout the land as heads of segments of the hierarchical orders. This being so, then it is not possible for all the sections of, say, a secondary section to come together; there is no one to command the action. In fact, sections combine in Cyrenaica, but not in the way they should according to the lineage structure. In order to discuss this adequately, a lengthy diversion into an analysis of the distribution of power would be necessary. The matter must rest here with the admittedly somewhat dogmatic assertion that there are men who wield power over groups of varying populations, and that the extent of their domains cannot be understood by reference to orders in the lineage. Perhaps it is for this reason—because, that is to say, lineage theory effectively blocks the exercise—that relatively little has been written about the problem of leadership in these societies.

121 613 114 [621] Thirdly, all segments should be fairly equal in numbers of people and economic resources, if the theory of lineage were to have substance in reality. In Cyrenaica the population of one tertiary segment may be three times or more that of another. Both may be structurally equal in the sense that they are named groups segmenting as a pair of brothers from a common father. As political groups, however, this equality has little meaning. Further, with regard to economic resources, some sections possess several wells and a territory of such extent that it straddles two or even more of what might be called micro-ecological areas. With marked preponderance in numbers and superiority of resources, some groups have grown into dominance, and the evidence points to the existence of this dominance in the past also. However, ' like ' sections may appear on a lineage chart, in political action there is conspicuous disparity. Each tribe possesses one tertiary section or more with a claim to be the owners of the ' Golden Stirrup '; these are large tertiary groups with relatively plentiful resources, with allies in other groups, and, in sum, with the power to terrorize other tribal groups.

[619] [621]

These three objections to the lineage theory as a useful model for examining the consequences of homicide are serious enough in themselves, but another objection renders it still less satisfactory. This fourth objection relates to the implication that lineage theory cannot take account of women. Indeed, in some of the accounts of the political organization of lineage societies, the impression is given that they are all-male societies: women belong only to the domestic and kinship realms. In terms of the theory, this must be so. Women, the marriage links they create, the forms of relationships that derive from marriage, the right of men to joke with others by virtue of a link through women, their rights to demand favours of men who are not their agnates, their right to expect contributions to bridewealth or blood money from maternal relatives—all these, and other forms of behaviour, have been dealt with as patterns of behaviour which interfere with or disturb agnation, or that cut across lineage affiliations. Such metaphors can only be justified if it is accepted that precedence must be given to agnation, to what people say they think their lineage relationships to be, and that there is some kind of primacy about what have frequently been called jural rules which constitute the structure, while behaviour which is not governed by these rules is to be relegated to the position of secondary forms having the effect of intruding only. But these secondary forms of behaviour are as impelling, as persisting, and are as much a part of social life as any of the so-called jural rules. It is possible to go further than this, and state that in societies where there is a high incidence of marriage among agnates of the local group, as occurs among the Bedouin, jural rules rarely appear in their ' pure ' form in behaviour, since, in groups of this sort, each and every person constitutes a bundle of roles by virtue of the fact that he is one of a very complex cognatic group; a particular role, it is true, may take precedence in a particular situation, but all roles are present in each situation and affect behaviour. Precedence can only be given to specific forms of behaviour in relation to situations. There is no such thing as a general primacy with regard to any form. The concept of agnation as the centre of all political problems, disturbed or disrupted by, say, matrilaterality, is as inadequate as saying that the nucleus which pulls all other components into position is matrilaterality with agnation as a disturbing element. In reality there are numerous components present in all situations, which should not be lumped together under such categorizing terms as agnation and matrilaterality, but which combine as separate components in a kaleidoscopic range of clusters.

Some of the components of behaviour subsumed under the notion of matrilaterality are briefly given here in order to appreciate more fully the consequence of inter-group marriage. Of paramount importance is the fact that, in Bedouin sentiment, to kill a relative is as sinful an act as the killing of a close agnate. When such a homicide did occur, during my period of residence among them, the Bedouin response was to assert that the offender was out of his mind—it was inconceivable that he could have committed the offence otherwise. Their attitude was reminiscent of the horror they display when a man kills his father or a full brother, and represents a much stronger reaction than is manifested when a man kills an agnate of, say, the third or fourth degree. They have every reason to be disturbed by the killing of a mother's brother, for, whatever personal affections may be involved, a crucial link is threatened. Their reasoning, however, is that relationships with the mother's brother are characteristically easy, that they are not demanding, that there is much joking in them, and that to

5: Peters E-5 (1948-1950) 1967 MT9 Libyan Bedouin MT9
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121 619 682 726 [173] celebrated war between the 'Abaidat and the Bara 'asa tribes occupying a large part of central and eastern Cyrenaica. This war took place a hundred years ago, so that the evidence is mainly hearsay, but it is significant that when asked for details of the groups taking part the Bedouin make it clear that the entire tribes were not at war—some sections on both sides are said to have remained on friendly terms. Yet when 121 619 726 602 wars are discussed in a general fashion, the Bedouin insist that tribes confront each other as such. If it is pointed out to them that men might be ranged against their maternal relatives the Bedouin mumble apologetically that they would not kill their maternal relatives—a lame argument since in the heat of battle men cannot make this kind of discrimination. Details of other wars also illustrate the point that only parts of tribes face each other in strife, for though the stories of past events may be inaccurate there is genealogical evidence to substantiate their claims that certain groups were linked in the past, and in any case their statements assert that where these links exist they are not prepared to engage in hostilities. The several parts of each tribe, 121 619 571 like the parts of primary and secondary sections, have as many different sorts of relationships as there are groups, and the general statement that tribes are warring units merely obscures the interest there is in their relationships. Tribes, further, lack the leadership to make war. I repeat that leadership does exist, but not even the 121 619 613 554 greatest leaders, past or present, can rightly be described as leaders of their tribes, using the term in its structural connotation. Literature on the subject gives the impression that there are tribal leaders, because successive administrations have used the tribes and their divisions as a framework for attempting to rule the Bedouin, but the details of the power domains of individual leaders make it clear that they have little to do with the ordered divisions of tribes. A leader within part of one tribe may carry with him tertiary sections of another tribe, and if major hostilities break out between parts of these tribes, the sections of both which are joined as allies and related as kinsfolk will not fight against each other, for sections so linked enjoy stronger connexions than the structurally linked tertiary sections of a very large [682] secondary section. Consequently the statement that homicide results in tribal war [114] when the offender and his victim are members of two separate tribes is not merely incomplete, not merely a simplification, it is wrong.

121 613 571 [114] [648] A point which has been implicit throughout the second part of this paper needs now to be made quite explicit: groups do not come together in their respective structural genealogical orders. During my entire residence in Cyrenaica I did not see a group of agnates larger than a tertiary tribal section assemble for any purpose. It is true that the occasions when large groups are required to assemble are infrequent. It is also true that although the British Administration was serving a caretaker role only, it may have had an affect on the nature of tribal gatherings. Despite this qualification, there were several occasions when I expected tribal groups to assemble in lineage order if the fusion of sections in relation to like sections has any meaning in practice. Large groups of men did gather to dispute claims to wells, to argue about rights to ploughland, and to make peace. In every case that I recorded the agnatically closest groups of the main participants were absent, while members of genealogically more remote groups were present in strength. This statement applies to gather- [628] ings in the camps and in the administrative centres. One of the biggest gatherings I witnessed assembled in an administrative office in a village near the coast in the

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south-west of the country. Most members of the two tertiary groups directly concerned in the dispute were present. The agnates of the collaterally linked groups of the principals were unrepresented; indeed collaterals of one of the principals made it quite explicit that they were opposed to their genealogical allies and considered their perusal of the matter tiresome. The bulk of the crowd present was made up of men linked to the principals in a variety of different and non-agnatic ways, and it was they who provided most of the argument once the issue had been opened. It follows, therefore, that an analysis of political organization and behaviour in Cyrenaica which is based on lineage theory leads to a gross misrepresentation. For, what I am arguing is not that the lineage model in its rarefied state is too simple, not that additional facts must be injected into it to complicate it, but that it does not provide an admissible basis for analysis.[1] The complication of something that is founded in error can only lead to complicated error, however many facts of real life are introduced in an attempt to give it substance. The Bedouin conception of their social relationships in terms of a genealogical ordering of groups is a fact of their social life, and in relation to some problems it is an important fact. My objection to the use which has been made of a people's ideology of their relationships is that it has been elevated from its status as a component of social life to such a position of universal dominance in all sets of social relationships that 'every sociological problem', as Fortes writes of the Tallensi, 'hinges on the lineage system'.[2]

If the ordering of groups within the frame of the Bedouin genealogy is abandoned as a basis for analysis, it does not follow that the only remaining view is that of small groups of people distributed throughout the country enjoying relationships merely as units. Regularity in relationships does exist, it is urgently necessary, and it persists; but this regularity is not consistent with a lineage model. Ultimately, feud is a violent form of hostility between corporations which has its source in the competition for proprietory rights in land and water. This competition makes it necessary for groups to combine to prevent the encroachments of others in similar combinations and also to expand their resources whenever the opportunity arises. The significant groups in a discussion of the feud are these power groups, and it is their composition, the shifting alliances within them, the growth and diminution in the power of tertiary

[1] Dr. Paul Bohannan has distinguished in his writings between what he calls folk systems and analytical systems. The distinction, as he sees it, is set out clearly in the statement 'a certain field of Nuer relationships is explained by Nuer in terms of an agnatic genealogy. This is the folk system. The same field is explained, in English, by Professor Evans-Pritchard, as a lineage system based on the principle of segmental opposition. This is an analytical system' (Bohannan, 1957, p. 5). What is the difference? Is it only a difference of language? Bohannan's analytical statement is little more than a generalisation of what is in the folk system. An analytical system, in his hands, is a sophistication of a folk system, for it is the latter which provides him with his analytical framework. The act of creativity on the part of the social anthropologist about which he writes (Bohannan, 1963, p. 14) is the revealing of a folk system through analysis. But he does not depart from the framework set by informants—the agnatic genealogy is the lineage, and the fission and fusion of parts, the opposition of like segments and so on is explained by informants in different languages as adequately as it is explained by social anthropologists in English. Bohannan's viewpoint is made clearer, perhaps, in his discussion on the arrangement of facts relating to Tiv law. Here he considers what he should do once he has elicited all the facts, and he argues against setting them out as an arrangement of the procedural law of Tiv courts because, 'The error would be that the arrangement is not part of *the Tiv way of looking at it*, and hence would be false' (Bohannan, 1957, p. 69. Italics mine). Why? The Tiv are not the social anthropologists. Is the test of an analytical model its consistency with a folk comprehension?

[2] Fortes, 1945, p. 30.

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sections constituting the combinations which makes the facts of feud intelligible. Furthermore, several different types of power structures exist which serve the different interests of the people composing them, and these are interlinked in combinations of superior span. But the formation of these structures and the modes in which they combine are quite unlike the articulations in a lineage system. Characteristically, the segments in a lineage system are conceived of as building up hierarchically to span what is spoken of as a total society, the apex of the system affording a spectacular and fixed definition of its boundaries. Had I been using this concept in this paper the founding ancestress of the nine Cyrenaican tribes, Sa'ada as named by the Bedouin, would have served this purpose and would have been given inappropriate prominence. The views presented here have the consequences of retreating from a concept of a total society. The people to whom the facts given are related are the camel-herding tribes only. Some of them have relations of many kinds with the cow-herding folk who inhabit the northern plateau area, and these relations are also significant for the analysis of a wide range of problems; genealogically both cow and camel herders are seen as part of a single structure, but the differences between them with regard to their economy, the size, composition, and distribution of their residential units, their political and ritual life is so great that to conceive of them as a single social structure is not useful. Moreover, the far western tribal sections have relationships of such urgency with their neighbours in Tripolitania (who are excluded from Cyrenaican genealogies) that to cut off these relationships as lying outside Cyrenaican society would be quite unwarranted. The same can be said of the relationships of the tribal sections in the eastern part of Cyrenaica with their genealogical cousins, the Aulad 'Ali of Egypt, who, although residing across a national border, are closely linked to some of the Cyrenaican Bedouin. Some tribes also have to rely on the people of the southern oases for an item of diet and an outlet for surplus wool, and the net of kinship is spread out to include them. In these cases they come into contact with other ethnic groups such as Berbers and Tibu, and through the oases they extend their lines of communication southwards to Wadai, Chad, and Bornu. As an indication of the effectiveness of these links, it is only necessary to add that people inhabiting Cyrenaica make periodic and regular visits to these far southern places, and that in 1948 a shaikh, living near Ajadabiya in south-western Cyrenaica, collected blood-money contributions from kinsmen in Wadai. A single structure cannot possibly include, for analytical purposes, these sorts of relationships.

Finally, it must be stressed that the facts given here refer to the period 1948 to 1950. Since then oil has been discovered in large quantities near the territory of a tribe where I spent most of my time while resident in the country, and where there was one tin shack in 1950 there is now a modern port with roads extending southwards from it into the wilderness. I see no reason to assume that social relations as I observed them are present today or that they were the same at any time in the past either. Before the advent of the Sanusi Order in the early eighteen-forties, it is known that one lineage at least was dominantly powerful and that its leader tyrannized a large part of Central Cyrenaica.[1] His descendants constituted a powerful group in

[1] Smith and Porcher, 1864. These two archaeologists met this leader and continued their archaeological researches around Cirene only with his goodwill, although the site is not on the territory of his tribe as I knew it in 1950. They also speak of him as inhabiting a castle which also lies outside the

6: Peters E-5 (1948-1950) 1965 MT9 Libyan Bedouin MT9
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Chapter

7

*Aspects of the Family Among the Bedouin of Cyrenaica**

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Marriage and the Father-Son Relationship

When a marriage takes place among the Bedouin of Cyrenaica, a nuptial tent is set up some distance away from that of the groom's father. There is no particular significance about the nuptial tent itself, but it must be pitched at a distance so that the father "will not see it" — although, obviously, in a country of large level plains, it stands out conspicuously. This pretence that the tent remains unseen by the father is pushed to the point of his denying any knowledge of what is afoot. A middle-aged or elderly man with a family adopts a similar attitude to any marriage in which his son participates, as groom or as guest. An elder, the father of three unmarried sons (one of whom, in his late twenties, was known to be getting impatient about marriage), when I asked after his eldest son, insisted that he was away with the camels, although the son was conspicuous in a semicircle of young men encouraging a blindfolded maiden in the movements of her seductive dance outside a wedding tent in his full view. Prior to the wedding festivities, the

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8: Kennett G-5 (ca. 1921) 1925 MT9 Libyan Bedouin MT9

233 685 [578] wandered over the boundary of Abd el Salam's grazing rights. The juvenile members of Abd el Salam's family came out from their tents in a body, to drive off their intruding second cousins with their camels. An altercation ensued, and the excitement grew; and eventually a pitched battle with sticks and stones began among the lads.

683 One of Abd el Kerim's sons, leaving his brother to hold on for a moment, ran back the half mile to call his father, who returned with him to the scene of the fight carrying his gun. On arrival at the camels, Abd el Salam's sons set on him in a body. Abd el Kerim pointed his gun at one of them and took aim; whereupon one of the other family from behind laid him low with a blow on the top of his head, sufficient to fell an ox.

• [114] Abd el Kerim was carried back to his tent, where the writer witnessed the horrible sight of sympathetic but homicidal relatives pawing his open wound with their filthy fingers. A large hole had been knocked in the side of his head, and portions of brain were visible. After some months of surgical treatment Abd el Kerim came out of [694] hospital; and, as the blow was reported to have affected his reason, a case was brought on his behalf by some of his relatives, claiming damages from the family of Abd el Salam. However, before the case was fully completed, [682] Abd el Kerim was taken ill, was re-admitted to hospital, and died. The case therefore became one of bloodmoney, and was dealt with in the usual way.

683 682 695 672 The interesting point about the case, however, lies in the decision of the court, when the first claim for damages was brought up. A very strong line was adopted by the sheikhs, and in the opinion of the court the wounds received by Abd el Kerim were only what he might reasonably expect. They maintained that, after the way in which he had behaved, he was lucky to have got off as lightly as he did. The sheikhs protested that he ought never to have gone out from his tent, and mixed himself up in a fight between a lot of boys. If he had any authority at all, he